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THE HISTORY OF ROME

BY

B. G. NIEBUHR

TRANSLATED

BY

31979

WILLIAM SMITH, Ph. D.

AND

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THIRD VOLUME.

LONDON:

Printed by S. Bentley and Co., Bangor House, Shoe Lane:

FOR TAYLOR AND WALTON,

Booksellers and Publishers to University College;

28, UPPER GOWER-STREET.

AND SOLD BY DEIGHTONS, CAMBRIDGE; AND PARKER, OXFORD.

M.DCCC.XLII.

00031979

PREFACE.

WHEN Niebuhr with sad feelings finisht the second volume of his history of Rome, he exprest in that remarkable preface his longing for *some rest* to enable him to hasten to the completion of the third volume. Four months later he was called to eternal rest, and left behind him the work which immortalises his name, in the form which he there intimates, "what was comprehended within the limits of the original second volume, was already planned, the remainder down to the first Punic war only wanted a last revision." It was not granted him to bring it to completion. There remained then for his nearest friends, to whom the last will of the deceast had confided the care of his manuscripts, only the melancholy duty of preserving this precious bequest in its purity, and of giving it to our age and posterity as the only possible compensation for the irreparable loss of the complete history of Rome. The honorable charge of undertaking the business of editor was conferred on me by those revered persons. They thought that the circumstance of my having been closely connected in love and veneration with the deceast during the last four years preceding his death, which forms the greatest happiness of my life, rendered me worthy of such great confidence. If my love and veneration

for the memory of Niebuhr could justify their confidence, I might hope to possess some claim to it. But how could I conceal from myself the truth, that very different qualities were requisite to ensure the success of the undertaking? That I nevertheless did not shrink from the responsibility, is owing especially to the kind assistance of Professor Twesten, who gave himself the trouble to go with me through the whole manuscript, and to the valuable counsel of Savigny, without whose sanction I have not allowed myself the solution of any doubt whatever. But the weight of the responsibility was diminisht above all things by the simple principles which were to guide me, and on which I had agreed with these eminent men: carefulness, fidelity and completeness were the laws with which the printing was conducted. There could of course be no attempt to make any arbitrary application or alteration of mere materials; — who would dare to continue that which Niebuhr's hand had begun? — on the contrary the duty owing to the public of collecting all the fragments of his history of Rome, and of making them the common property of all, which the conviction of their undisguised genuineness will render dear to all his friends and admirers, must alone have kept at a distance every attempt to give by polishing and revision an appearance of completion, which could only have been wisht for from the hand of the author himself. There is therefore no account to be given here of any revisal which has been undertaken, but only information as to the arrangement of the whole, which from its nature has necessarily grown out of heterogeneous parts.

What is here presented to the public, united into a third volume, is all that could be gathered from the papers of the deceast for publication: it is absolutely

the work of Niebuhr, written by his own pen and printed from his manuscript with conscientious fidelity. But it is the work of three different periods of his life, which stand in an inverse relation to the periods of the history which are treated of. The last part was written first, and has not been revised: the first which belongs to the second volume of the first edition, has been accurately revised and received various alterations along with that volume, shortly before the death of the author. This part which comprises the first nine chapters of the present volume down to page 151, is reprinted from the copy of the earlier edition, which Niebuhr had revised with extraordinary pains and care, and which had received corrections almost in every page: in cases where the narrow margin of the printed book was too small to contain the alterations, he had rewritten the whole on separate pieces of paper. It was in this way that he had revised the first and second volumes too: we might therefore have considered this first part of our third volume to have received his finishing hand, were it not necessary to suppose, that, as was his custom, previous to sending it to press, he would with his own hand have made a copy of the whole, in which of course the less important defects and inequalities would have been corrected. A case in which such a final correction is evidently wanted, is noticed in page 55. In this sense we must understand the expression of Niebuhr in the preface, when he calls this part of the former second volume only *planned:* he would have once more revised and copied it.

The first Punic war from p. 561 to the end is derived from quite a different source. It will appear unexpected to all who recollect the words of Niebuhr in his preface, "the remainder down to the first Punic war only wanted

a last revision," and who see in this expression the limits to which he had extended his preparations. There is no doubt that this was indeed his meaning. His history, as far as it was written, closes at p. 560 with the chapter: *Internal History—down to the first Punic war:* he himself would here have commenced writing afresh, if Providence had permitted him to continue his work. But among the papers left by the author there was found a carefully written manuscript, which according to the object expressly stated in its beginning was intended to be the commencement of the continuation of the lectures on Roman history, which he had delivered in 1811 in the University of Berlin. This manuscript contains in a briefer narrative nearly the whole history of the present third volume from the subjugation of Latium down to the end of the first Punic war. So long as we possest along with this manuscript the later and more detailed history, we could not of course think of making any public use of it, although the comparison of the two works shewed that the latter was frequently based upon the former. But where the completed history breaks off without any prospect of its being continued in this manner, and where the wish of every reader is most ardently excited to be further guided into the most agitated time of the Roman people by the safe hand he had hitherto followed: there it seemed no violation of the intention of the author to use the extant materials as far as possible, and to add the first sketch of the further history in an appendix obviously distinct from the rest of the work: to give it just as it is written down in its rapid progress, even to where the connected history breaks up into isolated notes (p. 611). Every one who knows and loves the spirit and hand of Niebuhr, will joyfully recognise them even in this unfi-

nisht work. All that is publisht from this earliest manuscript, contains only the external history: it is followed in the manuscript by a sketch respecting the change of the constitution of the centuries upon the basis of the tribes, which he too formerly placed after the completion of the thirty-five tribes, consequently after the first Punic war (compare p. 345). It is now discussed in another place (p. 320 to p. 349) with a depth which leaves nothing to be wisht for.

The *middle* and greatest part, the real kernel and body of the present volume was written by Niebuhr at Bonn during the winter of 1824 and 1825, soon after his return from Italy. He had then not yet formed the resolution of remodeling the first two volumes, and he described with all the joyfulness of progressive production, which he always remembered subsequently with great pleasure, the freshest and healthiest period of the Roman people, for this he considered the fifth century to be. He wrote, separated from his library, with few books, from the fulness of his knowledge, the liveliness of his perception and the warmth of his heart. This spirit pervades the whole of this main part of the volume, which comprises the chapters from p. 152 to 560, from the year of the city 416 down to 488 according to the common chronology. This character of unity and equality appears clearly even in the manuscript which consists of fifty sheets. Nowhere has Niebuhr during the seven years that followed made any alteration in it, but towards the end of his life he had a copy made of it.

As this work however was destined to follow the first two volumes of the first edition, there was frequently occasion to return with new views to subjects that had been treated of there. All passages of this kind were carefully used by Niebuhr in the subsequent remodeling

of those two volumes, and inserted in the context. From this circumstance there arose for the publication of the third volume the necessary law of avoiding the longer or literal repetitions of what was contained in the new edition of the first and second volumes, because there could be no doubt that the author regarded such points as settled. The most important application of this law, of which an especial account must be given here, has been made in the transition from that revised remainder of the second volume, p. 151, to the real continuation of the history. For the new manuscript before the chapter p. 152, *Internal History down to the Caudine peace*, has another one entitled, *The Roman state after the union with Latium*, which has not been printed. For it consists of three parts, all of which were already inserted in their proper places. Here first were given the outlines of the theory of the colonies, of the isopolity and the municipium, which form the fourth and fifth chapters of the new edition of the second volume. Here secondly was found a minute development of the view proposed there, p. 68, foll., concerning the returns of the censors as the standard for the varying isopolite relations; and lastly, the part which referred to the settlement of the relations of Latium and of separate Latin places, had already been incorporated by Niebuhr with the conclusion of the preceding chapter, *The Latin war*, as it is now printed from p. 140. As therefore it could be proved, sentence by sentence, that the whole substance of that chapter had been used, the difference in the form which belonged to an earlier time, did not seem a sufficient reason for justifying in the eyes of the public a repetition of several sheets, which might perhaps have been desirable to separate friends.

The other passages, not many in number, of which

shorter parts have been omitted without injuring the context, because they had already found their place in the earlier volumes, are in each case stated in the notes. Where however such a passage was too closely interwoven with the context to be severed from it, without considerable alterations, there it seemed a lesser disadvantage to allow a short repetition to occur, than arbitrarily to touch the connexion of the whole. For this reason for instance no change has been made in p. 177, p. 298, p. 350, p. 450, p. 451, p. 452, but only references given to the kindred passages of the first and second volumes.

We have laid down the same principle as our law in the more difficult cases, where there were differences between remarks and opinions in the present and former volumes. However decidedly it must be establisht as a principle in judging of these cases, that the opinion, which has been received into the later edition of the first volumes, according to the last examination and revision, and even into the first section of the present one down to p. 151 *, is in each case the one preferred by the author himself; yet the earlier form could and should be effaced just as little as the whole work could give up the character of its earlier origin. It was in all these cases sufficient to direct attention in the notes to the relation between the earlier work and the more recent treatment of the same subject. Only in one point was it necessary to allow to the matured investigations of the first two volumes an influence upon this third one, that is, in the chronology. After the author in vol. II. p. 565 and p. 566 had exprest his decided intention to use the corrected chronology throughout the work,

* The differences in the account of Archidamus between p. 86 and p. 162, as well as the difference of the expression concerning the situation of the ancient Vescia in notes 253 and 628, are to be judged of accordingly.

and as this had been done both at the conclusion of the printed second volume and in the revision of the part of it, hitherto unprinted, it was necessary to observe this principle in the subsequent parts also, although the manuscript has throughout the common calculation of the years of Rome. In order however not to offend too much by the innovation, we have every where chosen to add the Catonian era in parenthesis to the date corrected by Niebuhr. The difference between the two down to the eleventh year of the second Samnite war, where the common calculation has again inserted an idle year (compare p. 229. note 401), amounts to five years. While we have thus also followed here the conviction which the author has exprest in the second volume p. 560 and p. 566, it is nevertheless to be regretted, that the examination of this question in the passages of the third volume relating to it (p. 192 and p. 229) had not yet led to the same result; so that there is now no perfect agreement between the critical treatment of the history in the text and the chronology which is followed.

In one case the difficulty was presented of choosing between two finisht representations of the same subject in the manuscript: this occurred in the chapter headed *Epirus and Pyrrhus*, where the history of the youth of Pyrrhus was found in quite a different essay. Nay, it is a remarkable proof of Niebuhr's peculiar partiality for that portion of the history and of his love for its hero, that three more modes of treating the same subject are written down in his papers. The form here publisht, which was written latest and which thereby had external appearance also in its favour, appeared at the same time to be the best and most perfect, to which the others should justly give way.

The converse of this embarrassment arising from

abundance, in which an expected description is missing in the manuscript, unfortunately occurs likewise, and that in a passage, in which the gap will be very painfully felt; in p. 547. For here, where the discussion of the constitution which united Italy for the first time into one state, is promist in the most distinct words, we find no more than a reference to a *Manuscript* † †. This created a hope of finding the discussion of the subject in some other place; but this hope has not been realised after the most careful searching through the papers of the author. The only manuscript which can be meant, is the very same from which the chapter on the first Punic war has been printed: the manuscript in which he made his preparations for the lectures delivered at Berlin: lectures delivered at Bonn cannot be thought of for this reason, that the whole manuscript of the third volume was written, before Niebuhr had made up his mind to deliver them. The older manuscript of the year 1811 must be regarded as the one referred to by † † the more, since in the earlier chapters, as was remarkt above, it was frequently made the basis of the new work. But unfortunately this manuscript, as the printed essay shews, from p. 613 to p. 616, only gives such an unsatisfactory account concerning the important question of the constitution of Italy, that we must be convinced, that Niebuhr had reserved to himself the complete investigation of it, and that he only wisht to remind himself by that note of the leading outlines, such as he had written them down in the earlier work. Memorandums of this kind made by short signs, for the purpose of making use of new thoughts or new materials in the last revision, occurred not unfrequently in the margin of the manuscript; they have in every case been indicated in this volume with the painful feel-

ing, that they only marked so many irreparable losses. See notes 287. 486. 497. 499. 503. 505. 549. &c.

In looking back upon the whole of this principal part of the present volume, even apart from the differences existing between it and the earlier volumes, no reader who takes an interest in the matter, can refrain, we think, from asking, how far Niebuhr himself in revising it would have left this history of the fifth century unaltered, and in what form he would have given it to the public. Who is there that can answer this question put to the grave of the deceast? Yet I may be allowed to point out some reasons which render it probable, that he himself would not have made very considerable changes in what had been written. This belief is supported first by the expression, which Niebuhr himself wrote down in the preface to his second volume, a few months before his death; "the remainder down to the first Punic war only wants a last revision": an expression, which manifestly does not imply the intention of making any material alteration. With no less justice may we infer from the character of the history described in the third volume, and from the nature of its sources, that it is almost certain, that a remodeling such as was called for in the first two volumes by the ever increasing gains of an unwearied investigation of dark times and difficult relations, would never have become necessary here. On the contrary, the freshness and liveliness of the description, such as it had been written out from the first conception, will remain its imperishable beauty. I may also add, that Niebuhr's subsequent lectures on Roman history in the university of Bonn, which I had the happiness of attending twice from beginning to end, perfectly agreed with what is contained in this volume, so far as this can be expected between the careful and

elaborate history such as it is written down, and a general sketch communicated in an oral discourse. In these lectures he only made a slight allusion to that most important investigation into the internal history which adorns this volume: the investigation of the constitutional changes in the censorship of Fabius and Decius, and of the alteration in the centuries on the basis of the tribes, p. 320 to p. 349. But that in this investigation, too, such as it lies before us, we are justified in recognising the matured conviction of the deceast, is clear from the circumstance, that Niebuhr even in later years communicated this part of his history from the manuscript to several friends: nay I must here quote my own evidence, not without sad feelings, that at Christmas in 1829, only one year before his death, he gave me this proof of his kindness and confidence, by reading to me that chapter from the manuscript. And as I have here been obliged to speak of the reasons, on which my own conviction is founded, I may add the remark, that in note 320 the insertion of the name of Niebuhr's excellent friend, does not rest upon a mere conjecture. Whoever knew his love and admiration for Count de Serre, would have guest it: but as Niebuhr's recollection always dwelt with indescribable veneration upon this friend who went before him to eternity, so he also often related and with delight the circumstance mentioned in the passage referred to, how Count de Serre in their common excursions in the neighbourhood of Naples recognised the site of Palæpolis, as there described.

After this account of the parts which constitute this third volume, the remark is perhaps superfluous, that the original form of Niebuhr's style is nowhere altered by any addition from the hands of a stranger. The only point in which the editor might be allowed to supply

things for the advantage of the readers, were the references given in the notes. As Niebuhr, as we have already remarkt, had written the chief part of the whole with the assistance of few books, he had put down a number of references merely from his admirable memory, often only mentioning the author, without ever completing the reference afterwards. So far as it was possible for me to give such passages with certainty, I have done so.....

J. CLASSEN.

BERLIN,
November 12, 1832.

NOTE.—The remaining part of the Editor's preface is of no interest to the English reader, as it partly refers to some deficiencies and inequalities in the references to writers as Dionysius, Strabo and Zonaras, which have been corrected by the translators, and partly to the Indexes, which in the translation are united into one for all the three volumes, and adapted to the last (third) edition of the first and second volumes.

THE TRANSLATORS.

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THE HISTORY OF ROME

THE LICINIAN ROGATIONS.

Of C. Licinius Stolo and L. Sextius, to whom Rome owed her regeneration, we know scarcely any thing more than their names, and, very imperfectly, the substance of their laws. But the greatness and boldness of the plan of their legislation, their unwearied perseverance, the calmness, with which they allowed their work to proceed to its completion, while they confined themselves strictly to the paths permitted by the law, so that neither they nor the commonalty are charged with the slightest act of violence, although the annals continued for a long time afterwards to be written exclusively by the hostile party:—all this gives us the means of judging of their spirit and of their character. A revolution, which in the Greek republics or at Florence would have commenced with violence, have succeeded or failed within a few months, and been sealed with banishment and blood, was developt at Rome during five years of incessant and manly struggle, without disturbing the peace of a single citizen[1].

It is a piece of malice, as common as it is hateful, in the enemies of the memory of great men and of great deeds, to

[1] But fruit that soon falls from the tree
Is seldom good for much, we know;
And with the old song I agree,
Whate'er won't stay, why, let it go!
OPITZ.

trace such deeds to low motives, as opposite as possible to the loftiness of their real aims; as indeed down to this day, in spite of the most convincing arguments to the contrary, it is asserted that Luther was urged to the reformation by the envy of his brother monks, by the Dominicans, and by the desire of marrying his nun. Falsehoods of this kind must be attackt and unmaskt perseveringly, as often as they shew themselves, because it is impossible to extirpate their germs, which are rooted in the basest part of human nature: in the love of detraction. In this spirit the conquered party traced the undertaking of C. Licinius, which was as great in its conception as in its execution, to the most wretched female vanity; and the contemptible story became so firmly rooted in history, that even Perizonius did not doubt its literal truth, and that it continued to be believed until Beaufort unmaskt its falsehood[2], which is indeed so plain, that no one now will venture to defend it.

M. Fabius Ambustus, who was consular tribune in the year 374, had two daughters, of whom one was married to Ser. Sulpicius, consular tribune in the year 378, and the other to the plebeian C. Licinius Stolo. Now the story runs[3], that the younger Fabia on a visit at the house of her sister, started with fright at the noise, which the lictors made in announcing the arrival of their master Sulpicius, when he returned from the forum, and that she was ridiculed by her sister for a fear, which betrayed the low station she had married into. This insult prompted her to persuade her husband, and even her father, to make her a solemn promise, that they would not rest, until their house also was adorned with the like splendour[4]. But this splendour the younger Fabia must surely

[2] Beaufort, Sur l'incertitude de l'histoire Romaine, II. 10.

[3] Not only in Livy (VI. 34), and those who copied from him, but also in Dion: Zonaras, VII. 24.

[4] Dionysius does not seem to have adopted this account: not only is there no trace of it to be found in Plutarch, who is not likely to

have become acquainted with in the house of her father, who had held the office of consular tribune four years before; how then could it surprise her? What she wisht, was not to be outdone by her sister; that is, she wisht the consular tribunate for her husband. Had the son-in-law of Ambustus sought nothing else, he could scarcely have failed after what had occurred in the last two years. The Licinian family already counted three ancestral images. A C. Licinius Calvus had been consular tribune only the year before, in 377; of course it cannot have been the tribune of the people himself, in which case all further discussion would be superfluous; for the same military tribune was afterwards in 382 master of the knights, while Stolo, as before and after, held the tribunate of the people, which was incompatible with that office. One would therefore be obliged to go further than the story, and to suppose that she wisht to throw her sister into the shade. But the consulship, since the taking of the city, had never been the subject of discussion at all; the plebeians had been completely baffled in trying to obtain it under far more favorable circumstances; nor could the wishes of a vain woman have aimed at this prize; although it glanced at a distance before the eyes of the bold and great man as the crown of the most vehement struggles for victory or death.

C. Licinius, whose family name Stolo is derived with great probability from the care, with which the first, to whom it was given, perhaps the tribune himself, dug up the shoots, springing from the roots of trees[5], was un-

have let such a story slip, but in a fragment, Exc. Val. p. 2313. R. he mentions Sulpicius as a moderate man. He evidently considered him as a mediator, and therefore does not seem to have regarded his house as the origin of the discord.

[5] Pliny, H. N. XVII. 1. and Varro, de re rust. I. 2. The latter speaks of two Stolos, one of whom, he says, fixt the quantity of public land which a citizen might possess, and the other made the assignment in lots of seven jugers. The date assigned to the latter is evidently a mistake.

doubtedly a descendent of the C. Licinius, who is mentioned among the first tribunes of the people a hundred and twenty years before. The great influence of his family is seen in their success in suing for the consular tribunate. That the tribune was very rich is clear from his great landed possessions, as the Licinii were afterwards the richest of all the Romans. The laws bear his name: tradition points to him, as the person who bore the heat of the contest: and we may therefore regard Licinius as the soul of the undertaking; although his collegue L. Sextius received the prize of honour before him. Their legislation embraced every thing which the republic stood in need of. Without disturbing any usages or ancient institutions, they establisht by a single measure upon the old foundations of the constitution a state of things, which at once abolisht the arbitrary power and ascendency of the ruling class, granted and secured to the people its liberties, banisht the disputes hitherto renewed every year, and advancing gradually and irresistibly, though held back at every step, towards the goal of perfection, from which it was indeed yet distant, preserved for a considerable time the period of a happy youthful development. A second law deprived the oligarchy of the exclusive advantages of the public land, and turned it into a general source of wealth for all the citizens. A third sought to remove the present distress, and to extinguish the consequences of the previous oppression. In this manner they undertook to cure the evil at its root, and at a time when the commonalty cared so little for its own welfare, that the whole body of their collegues opposed them; from which we must infer, that if their measures had been put to the votes of the tribes, they would have been rejected even there. In those times of confusion in the censorial books, the censors may have registered many unqualified persons in the tribes: but still the number of those attacht to the ruling class cannot have been great. In the seventy five years, which had elapst since the decemvirate, many of the clients, who had been

introduced among the plebs at that time, must have become independent through the extinction of the families of their patrons; and the prevalent state of dependence was the result of an actual and hateful oppression, or of a gloomy dejection and hopelessness. At first, when the rogations seemed a vain attempt, which would no more lead to any result than like attempts in former times, but might easily bring ruin upon their authors, a great many thought that they might nevertheless derive from the unexpected circumstances the advantage of obtaining greater indulgence from their creditors and favour with others of the powerful class, if they opposed those who advocated the common cause of their order; while others were intimidated by threats, that the rigour of the law would be enforced against them, or that they would be deprived of advantages. But the reformers might calculate, that circumstances would assume a more favorable aspect with every reelection; that those, who were only indifferent, might be brought over to their side by the conviction, that success was possible; that a part of the timid might also be led to join them by the increase of their party and power; and at length, if it was generally believed that success was certain, the dependent and the opprest would be emboldened to provoke the indignation of their creditors, in order to escape from their power: more especially as the tribunes would assuredly promise them support.

It was a very favorable circumstance, compared with the times before the taking of the city, that Rome was separated from Latium, the Hernicans and the Volscians. The government had now neither a subject rural population, which it could command, nor confederates, whom it could call upon; to march in arms against the commonalty. The townships were in the possession of that independence, with which the assistance of the Latin body had at one time been purchast; and the wish, that Rome should not regain her former power, must have determined them to reject any proposal, however recommended by

tempting conditions. But without such help the patricians could not hold out the threat of a civil war: the clients by their mixture with the plebeians had ceast to be a blind and ready instrument. It was therefore a courageous, not a rash step for C. Licinius and L. Sextius to enter upon their great work. They might on the contrary, as far as human foresight reaches, be sure of victory in the end, if they were at first only strong enough to overcome the fears of the timid, so far as to be reelected in spite of all threats.

The first Licinian law ordained, that henceforth there should be no more military tribunes, but that consuls should be elected from the houses and the commonalty[6]: one was necessarily to be taken from the latter. Without this clause the attempts of the patricians to render the acknowledged right useless in practice would have been renewed every year: the intrigues for effecting this at elections would have continued, and with them exasperation: there would have been no peace.

The decemviral constitution, one would have thought, might have accomplisht this object most completely: but several reasons might demand the abolition of this constitution for ever. At all events it would have been necessary to preserve the separation of the censorship from the pretorship of the city, as it had been seen, what immoderate power arose from their combination. It had not yet been forgotten, how the faithlessness of some of the plebeians, led astray by shameful and arbitrary proceedings, had formed

[6] The old German writers, guided by the recollection of the change in the constitution of the free towns, understood the relation between the patricians and plebeians with perfect correctness, and in quite a different way from the learned, whether their own descendents or forein contemporaries; thus in the German translation of Livy publisht at Maynz, we read in the year 400: *Als Lucius Cornelius Scipio von den Geschlechten, und Marcus Popillius Lenas von der Gemeind Bürgermeister waren.* (When Lucius Cornelius Scipio was Burgomaster from the houses, and Marcus Popillius Lenas from the commonalty.)

a tyrannical majority in the college. The tribunate of the people would now indeed have afforded protection; but one plebeian consul would give more certain security. The equal power possest by several consular tribunes had often in the conduct of war produced very evil consequences; and as it was a common resource in times of danger to transfer the power to a single commander, it followed that in ordinary circumstances the constitution, which was most like the kingly one, was best suited to the spirit of the people, provided it was prevented from becoming tyrannical. Lastly a measure, which establisht a uniform division of power in all departments of the state, and which led at once to the point, which the republic did not reach till a generation later, would have been resisted by the patricians with much greater pertinacity, than a proposal, the vagueness of which allowed them to set limits to the consulship, and to retain a part of its original powers for their own order. This was a gain compared with the necessity of an equal division of places in the military tribunate, according to the powers establisht by the compact of 350[7], the concession of which could not have been refused; and the higher splendour of the consulate was not unimportant.

Many of them, even though they may no longer have entertained the superstition, that their order had an exclusive right to the auspices, might yet be ready with the honesty of a prejudice cherisht from their childhood, rather to risk the ruin of the state, than to yield to the passing of the reform, which restored what had already been acknowledged as a right: noble and well-meaning men, and incapable of abusing the power, which they did not deny had been sinfully exercised by members of their own order. With equal integrity might those plebeians, who expected for themselves or their family more or less immediate advantages from this improvement, be ready, with a full conviction that such a measure was indispensable to

[7] Vol. II. p. 395.

the republic, to stake their life and property on its success. It is often experience alone, which indisputably proves the wisdom of a law. Livy* represents the following objection as having been urged with apparent force against the tribune, that, if the greatest man of his age should be a candidate for the consulship in order to save his country in the most urgent danger, and should happen to be a patrician,—his Appius could only mention Camillus, we may with more justice think of the great Scipio, —if he were to seek that magistracy, together with deserving patricians and with a single worthless plebeian demagogue, would it not in such a case be an absurdity that he should be uncertain of his election and perhaps lose it, while the plebeian would obtain it without any exertion?

The historian ought not to have stated such an objection without a reply, because he must have expected readers, who would consider as unanswerable what had not been answered whether from caprice or carelessness. He should have made Licinius reply: "At Rome for a long time to come none but men tried in war from each order will venture to sue for the consulship; and when a plebeian and a patrician are competitors with the great general of the age, the plebeian will not be inferior to the patrician, though both of them may be unable to vie with the greatness of the other. But a plebeian also may just as well be the hero of his age, if the quickening sunshine of free power be not withdrawn from him: and of such a man do the patricians wish to rob the state entirely, and will tolerate him only in an inferior station, if the patrician consul should feel inclined to consult him and to listen to him. Moreover, the regulation objected to is necessary, only because experience has shewn the incorrigible faithlessness of the patricians. If the first order shall hereafter become accustomed to act uprightly, then it may be better to elect the worthiest men, without

* VI. 40.

any restriction as to order, although no free constitution can dispense with the letter. But who can at present believe in the good faith of the patricians? Happy will it be for the republic, if the letter of this law, however carefully weighed and sanctioned by a sacred oath, be safe against audacious violation! If our old party spirit shall at some future time be merged in a common love of our country; then, if trying days of misfortune come upon us, our better grand-children may for a time loosen the fetters of this law. A defeat would be less ruinous than slavery, than crippling and confining a body full of life and energy. But whence these gloomy apprehensions of plebeian incapacity and demerits? Surely not from experience: for during the only time, when the patricians did not succeed in excluding them from the command of the armies, plebeian consular tribunes conquered on the very ground, which had become dismal through the defeat incurred by the fault of their patrician predecessors. Who commanded the army on the Alia? And in the worst case the constitution itself will afford a remedy by the dictatorship, which ought not to be confined to either estate. For from the plebeians too, men will arise, who, as dictators, will save their country, and will not threaten it, nor turn against the citizens the arms destined for the enemy.

"The state of old wisely raised whole communities to the rank of Romans, in order to enlarge a body of citizens into a great nation. With a view to higher objects than have ever been aimed at since the patricians have been sole masters of the government, a far greater extension of the same system will be necessary. For how can the tribes whom we may admit to the citizenship be bound to their new country by love, if their knighthood be denied all honours? And if, as patrician houses have already become extinct, their number shall continue to decrease, if the plebeians are held back by force from every object of noble ambition, if the wealthy among them are confined to money-making as their occupation, if the renewal of the

first order by purely Italian noble houses is prevented, if freedmen are admitted to adulterate the core of the nation,—can that portion of intellectual power and virtue, which the remaining patricians will possess, determine the vocation of the republic? All experience teaches, that oligarchies decay no less rapidly in numbers than in moral vigour. All those blessings of future greatness, which the gods bestowed in the auguries of the city at its birth and at the foundation of the capitol, would then perish for ever. This may appear indifferent to the man, who is contented with dominion and aggrandizement in his own days; but how will it be possible to prevent, what has happened in so many Greek republics, an oligarchy, half extinct and becoming daily more tyrannical, from being destroyed by a bloody democracy or a tyrant? Perhaps such a revolution is close at hand. For a long time past has the republic been sick and suffering, because it lives in an unnatural state. But when delivered from this, united in itself, braced by the energy exerted in regaining its true life, it will be called to every kind of greatness."

All this Licinius might have said without having the spirit of prophecy: thus and not otherwise must Livy have made him reply, had he thought proper to let him explain his motives in a speech. For the subsequent history of Rome proves, that while this law conferred endless blessings, not a single disadvantage arose from it. The Decii, who sacrificed themselves as expiatory victims for the whole nation were plebeians[8]: it was by plebeians, that Pyrrhus was first arrested, then conquered: a plebeian subdued the Gauls of Italy: the same man checkt the

[8] Plebeian only were the Decii born
And named: yet for whole legions, and for all
The troops allied, and all the Latin youth,
Are they sufficient to appease the gods
Of Hades and the old maternal earth;
Worth more themselves than all they saved of Rome.
JUVENAL, VIII. v. 254–258.

victories of Hannibal: a plebeian annihilated the Cimbri and Teutones, the rustic general from the hired cot[9]: a plebeian consul saved Rome from the conspiracy of Catiline; plebeians were the Catos, the Gracchi, and Brutus. Scipio the Great was, it is true, a patrician, and he towers above his nation, as Hannibal above all nations. The Aemilii, the Valerii, the Sulpicii, the Fabii, and other families of the Cornelii besides the Scipios, had men, who rankt among the first of the republic. Their images stand peaceably by the images of the great plebeians: every one of them rose in succession upon the deeds of the others to new greatness. All gradually degenerated through the possession of excessive power and under the influence of soul-swaying riches. But new families from the municipia preserved the nation in youthful vigour: the patricians, with the exception of a few houses, which therefore shine the more brilliantly, became as deeply corrupted as is seen in the conspiracy of Catiline, the heads of which, Catiline himself, Lentulus, and Cethegus, were all patricians: therefore Cornelius Severus designates it by the fearful name of the patrician crime[10].

The second rogation contained the agrarian law of Licinius. This is mentioned much more frequently than the

[9] He, too, was of Arpinum, and his bread
To earn on Volscian mountains oft had toil'd,
Following with weary foot another's plough.
And next the knotty vine-staff on his head
Was broken, when with languor in the camp
Too heavy grew the work—and his axe paused
Yet, this is he, the man whose brow confronts
The Cimbri, and all dangers firm withstands:
And he alone the trembling city saves.
Therefore, when to the Cimbri and the host
Of slaughter'd men, the ravens bent their flight,
(Nor had their beaks on huger forms e'er fed,)
His collegue nobly-born, who fought beside him,
Won but the second laurel.

JUVENAL, VIII. v. 245–253.

[10] Patricium nefas. In M. Seneca, Suasor, 6.

law, by which Licinius gained for the plebs a share in the consulship; but it is expressly quoted only as the original law, which limited the possession of the public land to five hundred jugers. The recognizing that this law did not affect property, but the ager publicus, must have been hard work formerly for those persons, who desired to form clear notions, although they could not deny, that the Sempronian law, which beyond all contradiction affected these formerly perplexing lands, was only a renewal of the Licinian in a milder form. At present, as the nature of that possession is explained and no longer questionable, it will not be disputed that Livy, though he does not name the domain land in his account of the agrarian law of Licinius, sufficiently indicates its object by choosing the word *to possess*[11]: even if a Roman had not then understood, as a matter of course, that an agrarian law could only affect the ager publicus.

But this enactment was necessarily only one of many, some of which produced results no less important; and the whole law became the basis of all subsequent agrarian laws: though it must also have contained regulations of a transitory nature, which only affected the actual state of things. Several of the most important provisions of the former kind may be recognized in what was afterwards binding as law, and I think I can give the main substance of each class under the following heads.

The limits of the domain of the Roman people shall be fixt. Pieces of land, which private persons have usurpt from the domain, shall be resumed for the state; those of which the ownership is disputed, shall be sold, in order that the law may decide between private persons[12].

All possession, which does not exceed what this law

[11] VI. 35. Ne quis plus D jugera agri *possideret*. Vol. II. p. 142, note 297.

[12] Dionysius assuredly did not fabricate the senatusconsultum, which is represented as having been given to the commonalty in place

allows, and which has not been obtained by force, by stealth, or by loan*, shall be protected against every third party.

Every Roman citizen shall be qualified to share in the possession of newly acquired public land, so long as he does not exceed the quantity fixt by this law, provided it is not left in the possession of its former owners, nor divided among the commonalty as property, and provided no colony is founded upon it[13].

No one shall possess more than five hundred jugers of the domain in land for tillage and plantations, nor shall any one have more than a hundred large and five hundred small cattle grazing on the common pasture. Whosoever acts contrary to this, shall be summoned by the ediles before the people and fined: he shall forfeit the portion of land, which he possest illegally. The same shall be the case with those, who unlawfully extend their pastures[14].

of the Cassian law (VIII. 76.): but how extremely improbable is the genuineness of this minute document of a decree, which was never carried into effect, considering the secrecy with which the senate's archives were kept previously to the year 305? That the speeches are mere inventions every one will admit. To me it appears that the annalists in this case as in others filled up a meagre account with the matter of a later age, and this was probably derived from the Licinian law, which was still well known to them, and which consequently may be restored in this point from Dionysius. Usurpation had been tempting enough, when the domain did not pay any tax, because private property, as being secure under all circumstances, must have fetcht a higher price in the market, but was still more so, when it became subject to one, however indulgently it might be levied.

* Vi, clam, or precario. Gaius, IV. 154. Festus, s. v. Possessio.

[13] From the time of the Licinian law, the use of the domain by the plebeians is beyond doubt, as C. Stolo himself transgrest his own law. And admitting that this may have happened through purchase, and that wealthy plebeians may even before have possest such lands in this way: still the nobility in the age of the Gracchi was for the most part plebeian, and their possession was founded upon the occupation of their ancestors.

[14] Nothing is better known than the quantity of public land

The possessors of the public land shall pay to the republic every tenth bushel from the fields, and the fifth of the produce of plantations and vineyards: for every

allowed to be held in possession: in what manner the right of pasturage was limited, is stated by Appian (de bell. civil. I. 7.). The plebeian ediles appear as accusers before the people against illegal possessors of fields in the year 449 (454) and with success (Livy, x. 13), and against the unlawful use of pasture land. (Livy, x. 23. 47. XXXIII. 42. XXXV. 10. Ovid, Fast. v. 283. foll.) M. Popillius Lænas, too, was without doubt plebeian edile (VII. 16), when he convicted the author of the law of violating it by a crafty evasion, through the emancipation of his son. The fines are mentioned in all cases. C. Licinius Stolo was condemned in ten thousand ases, because he possest a thousand jugers. Not that this sum, or any definite sum for every juger, was fixt as a punishment: variableness according to aggravating or mitigating circumstances is the necessary characteristic of a multa irrogata*. As for the rest, it seems to be proved by the mildness of the Sempronian legislation, that only the illegal possession was confiscated, but that the land held in accordance with the law was not forfeited in consequence.

Five hundred jugers, about 490 Magdeburg acres, are according to the modern measure above 70 rubbio, which as a *tenuta di grano* is regarded in the *agro Romano* as a considerable estate: such estates are let by executors of deceast persons or by stewards at 20 scudi a rubbio to favoured tenants; and this affords to such *mercanti di campagna* an enormous profit upon their capital. If the soil be particularly good, as for instance the vale of Aricia for the cultivation of flax, small farms yield the landlord an annual profit of from 60 to 70 scudi a rubbio: and in this manner the great landholders could make profitable use of their possessions through their clients. Oliveyards and vineyards are still more productive. In order to estimate how far the law was from attempting to suppress wealth and large estates, one must know the happy productiveness of the South, and the fertility of Latium, which has not been acknowledged, and bear in mind, that the 500 jugers consisted entirely of arable land or plantations, while the common meadows served for pasture. Such a possession would have seemed to an Athenian a very great and splendid one, since the family estate of Alcibiades did not amount to 300 plethra, that is, not even to 120 jugers. (Plato, Alcib. pr. p. 123. c.) The limitation after all affected absolutely nothing but the possession of public land, and did not forbid the acquisition of property at home or abroad, to which no limits were fixt.

* Vol. II. p. 302, note 690.

head of great and of small cattle, which they keep upon the common pasture, they shall pay a fixt yearly sum for pasturage[15].

The farming of the annual tax, reserved to the Roman people from the public land, shall always be sold by the censors for a lustrum to the highest bidder. The farmers of the tax shall give to the republic security for the fulfil-

[15] It has been proved, that the tax had been restored a considerable time before the Licinian law; but we are justified in assuming that this law determined its details with precision, and placed it under the superintendence of the plebeian magistrates; and that consequently this regulation, which is preserved by Appian (de bell. civil. I. 7. p. 10.) was contained in it. The produce of fruit trees and of vines could be taxt higher than corn, because no seeds are needed and the cultivation requires less trouble and expense, than corn and the like; partly on account of the repeated ploughing in fallow-time, and partly from the necessity of destroying the weeds (*la terra nera*). Hence the *mezzajuol* frequently gives three kilderkins of wine out of every four, while he only pays half of the produce of corn. Thus Judea also paid to the Syrian kings the half of fruits of the former kind, but only the third bushel of corn. (1 Maccab. x. 39.) The tenth was a very small tax. Egypt paid to the Pharaohs the fifth. (Genesis, XLVII. 24. 26.) The Indians pay from one fourth to three fourths, and in the latter case they are always obliged to borrow from the farmer-general the seed-corn and often bread-corn also. These taxes on the produce were throughout Asia the source of the immense treasures of its princes. Hence we can account for the riches of David and Solomon; they arose from the taxes imposed upon the lands of forein nations. Carthage seems to have levied from her African territory a fourth of its produce; for when the tribute of the towns was doubled in the first Punic war, half the produce of the corn and fruit harvests was demanded from the country. (Polybius, I. 72.) The Arabs levied only the tenth (the *ashera*): an extraordinary relief for the East, drained by the Byzantine taxation, as it certainly did not pay any lower taxes than the Jews had paid to the Syrians; for Rome, as far as we know, only in one instance lightened the burthens of the countries she conquered. The subjects of the Khalifs, therefore, easily recovered from the war-taxes demanded at the time of the conquest; hence the flourishing state of those countries down to the tenth century; the fate of the conquered was hard only, when the soverain exercised the right of ownership which he had gained by the conquest.

ment of their obligations. In cases of unforeseen misfortune the senate may grant them a remission of the sum they owe. The produce shall be applied to paying the army[16].

The farmers of the tax shall agree with the possessor respecting the portion of the produce of their possession, which they are entitled to demand on behalf of the state. No cattle shall be kept upon the common pasture without being registered by them and having paid the agistment: whatever is withheld from taxation in this manner, is forfeited to the republic[17].

The possessors of the public land are obliged to employ freemen as field labourers in a certain proportion to the extent of their possession[18].

So far the regulations of the law, which can be ascertained, were of a general and lasting nature. The following was an arrangement merely affecting the present state of things.

Whatever portions of the public land persons may at present possess above five hundred jugers either in fields or plantations, shall be assigned to all the plebeians in lots of seven jugers as absolute property[19].

[16] The sale was by mancipation; see vol. II. p. 140. Respecting the security and remission, Polybius, VI. 17. The application of the money in the Senatusconsultum in Dionysius, VIII. 73. p. 541.

[17] This must be distinguisht from the possession of more land than the law permitted: see above, p. 13. Cicero, 2. Verr. III. 11. Varro de re rust. II. 1.

[18] This regulation is mentioned by Appian (I. 7), and it had undoubtedly been spoken of by Sallust in the passage, to which the fragment belongs quoted by Servius, ad Georg. II. 209, and Fronto, ad Antonin. de Orat. p. 250. ed. R. p. 30. ed. B.

[19] No historian, it is true, speaks of this assignment, but it must have been made. The right of sharing in the gain of future conquests was very uncertain, and was a poor consolation for those that needed present help. Nay a proof, that the law treated of these assignments of plebeian lots, seems to be contained in the expression of the *seven Licinian jugers* (Columella, I. 3), although the writer

Triumvirs shall be elected to carry this law into effect[20].

shews himself ignorant of history to an extent incomprehensible to us, inasmuch as he attributes the assignment of lands after the banishment of the Tarquins to a tribune of the people; namely, to Licinius. It looks, indeed, as if he had had before his eyes the extremely obscure passage of Varro, de re rust. i. 2. concerning the two Stolos, and had taken the date after the words *post reges exactos*, which in his copy was stated differently according to the years of the city, to be written by mistake for the year of its revolution, CCXLV. The number, which now stands in Varro, CCCLXV. must be altogether rejected: I cannot prove how it is to be altered, but can only give probability to a conjecture, which I shall reserve for the time to which this second C. Stolo would belong, who is a totally different person from the author of the great reform. With the exception of this number the whole passage is free from corruption; and it is only necessary to alter in the following manner the false punctuation, which destroys the meaning: *civem Romanum: et, qui*—then: *appellabant, ejusdem.*

A general regulation respecting the assignment of such lots at every extension of the public land as would be sufficient for the purpose, is improbable notwithstanding the expression in Columella, since no instance of it occurs down to the time of M'. Curius, although the Licinian laws were otherwise in full force. General assignments are extremely rare, and when they take place, the lots are of a different and smaller measure. As an equal right of occupation was granted to the plebeians, a general assignment, though suited to the circumstances in the time of Cassius, might appear superfluous or perhaps even too much in their favour. But experience taught that nothing could be done without it, as by far the greater number wanted property and enterprise to occupy distant lands; while they could let small lots assigned to them. Things were altered, when the nation was no longer divided into the two orders, but into poor and rich, high and low; and this was very soon effected by the consequences of the Licinian laws.

In such an assignment, the law probably establisht also *fora* and *conciliabula*, and made regulations respecting them.

[20] An extraordinary magistracy, a college of a greater or smaller number, was appointed to carry into execution every agrarian law. Generally they were triumvirs; and I am the more inclined to think that such were appointed in this case also, since triumvirs were elected according to the Licinian law to regulate the affairs of the republic, and the carrying into effect the agrarian law was probably

It shall be sworn to by both orders as an eternal treaty[21].

He who has gained a clear notion of the nature of the Roman domain land, which is developt in its proper place*, requires no more a justification of the agrarian law of Licinius, than the tribune himself could think it necessary to give a detailed development of its justice and advantages before his audience. Its reasonableness was probably disputed at the time as well as afterwards; and in this case as well as in a diminution of the interest of the public debt, which was apparently sanctioned by free consent, a measure, that restored health to the whole body, must have been painfully felt by single persons. But if a patrician appealed to old exclusive rights, the tribune probably replied, that the houses and the commons from the time of the decemviral legislation, had formed one united body of Roman citizens: that the plebeian order had from its formation an original right to assignments, which it had never obtained without violence; that it was this order, which fought in the legions the battles of the republic. He probably reminded even the avaricious to consider, how many other kinds of gain, nay of landed property, which the law did not limit, would be opened, so soon as the republic, through internal health, the well-being of the people, and unexhausted finances, should be able to extend her conquests. He might have said that a countless number of small and independent farms must form the foundation of the state, and the larger estates of the noble families its ornament. One may regret, that Tib. Gracchus, fancying, that the noblest persons in the republic would never, like the lowest, become so hardened against shame, as to look only to their own

their principal business. The Decemvirs in the senatusconsultum in Dionysius, and the Decemprimi, though excellently suited to the time of Cassius, would not be proper here.

[21] Appian, I. 7.

* Vol. II. p. 130, foll.

aggrandizement and to despise justice, equity, and the general welfare, attempted to cure an evil, which had entirely eaten into the vitals of the degenerate state; one may admit, that without the errour of this noble soul those commotions would perhaps not have occurred, from which, after unspeakable sufferings and with the destruction of great blessings, there arose in the end a state of things worse than the oligarchy, which, when Gracchus tried to restrain it, was advancing toward its completion. But no one can deny, that the constitution, which had been handed down to the Romans from their fathers, would never have fallen into that state of degeneration, in which it could not continue to exist, and that Rome would never have become divided into a few thousand rich men and a countless multitude of villains, if the agrarian law of Licinius had been observed. As this may be perceived even now without any possible delusion, C. Licinius, without possessing the gift of prophecy, but with an assurance as strong as if it had been granted him, might predict, what blessings his law would produce, so long as it was observed, and what an abyss the republic would sink into, if avarice should rule without restraint: and might therefore conjure the commonalty, not to allow itself to be cheated of his rogations. Happy the state, in which it was possible in accordance with the constitution to restore by a Licinian law a nation of free countrypeople, though only for a century! For in Greece every division of lands, which philosophers approved of, even such as Timoleon carried into effect as an unavoidable evil, establisht a new property, which never acquired true stability.

When pope Leo IV.,—whom the Romans of the best centuries would have recognized as a genuine fellow-citizen, and have thought worthy to extend the pomerium,—founded a colony at Portus to protect the city against the Saracens, he granted it not only lands of the Roman see and estates of monasteries, but even such as were private property. He loved his country, says his

historian, and the preservation of the people confided to him, better than frail property, to which many clinging avariciously, have lost their lives and their darling property also[22].

The third Licinian rogation ordained, that the amount of interest, which had been paid up to that time, should be deducted from the principal, and that the remainder should be paid off in three years by three equal instalments[23]. This was certainly a violation of justice: yet it was neither more nor less than what Sully did, when he deducted from the debt the usurious interest, which the state had paid to the Traitans for the money they had lent in the time of the League, and put the remainder upon a reasonable and usual interest:—which would now be considered extremely high. Was this rogation blameworthy? Was it beneficial or injurious? In judging of the morality of past ages, we must not form an opinion from the views familiar to ourselves, but from a knowledge of what was praiseworthy or at least allowable according to the feelings of the age in which the action took place. Antiquity hated and condemned usury almost as much as the early Christian church, or Islam, and frequent examples accustomed persons to think, that the state might interfere in the affairs of debtors and creditors. Still the author of such laws was completely justified in proposing them, only when he himself lost and to no small amount, by the decrees he introduced: if he evaded their blows, he was almost as contemptible, as if he had derived advantage from them. That C. Licinius would have sacrificed himself like Solon, one cannot indeed believe of the man, who was led by avarice to transgress his own law respecting the quantity of public land, which might be possest: but one cannot for a moment imagine that he could have

[22] Anastasius, de vitis Pontific. p. 283. ed. Mogunt.

[23] We cannot answer the question, what was done with those, who could not afford even so much as this.

sinned like the friends of Solon and Cleomenes. The heavier crime would not have been past over in silence, since the other transgression is so frequently censured; this silence and the extent of his possessions in land prove without doubt, that such a stain did not attach to him. The Roman people would not have chosen for its advocate a man guilty of a crime, which was a disgrace, such as might then have led to slavery, and even after the Pœtelian law to civil infamy. The Roman people, in general, trusted only men of wealth and character: even the poverty of a great man, who is not a slave to appearance, is rich enough in the south, which has such few wants. Curius and Fabricius wanted nothing.

The interference of a modern state in the laws of debt injures not only those, who can get over their loss, but others also, and in almost greater numbers, who cannot; it robs widows and orphans, while it aims at assisting the owners of large estates in debt. Such was not the case at Rome: for the nature and extent of debts in the ancient Roman republic bear no kind of resemblance to the circumstances, to which we are accustomed. It was only the merchant, who borrowed on bottomry for gain and speculations, and Rome was not a commercial city. The husbandman improved his land, so far as his own labour and that of his family extended. The purchase money for lands was paid in cash, and if several persons acquired an estate by inheritance, it remained in their joint possession, if it could not be divided in substance. The debts, affected by the Licinian law, had therefore arisen only from distress and that of a most melancholy kind, which with us is but a small portion of the whole mass of debts; for extravagance was yet quite unknown. They resembled in their whole character debts arising from bills of exchange, and those too of an usurious kind, to which the protection of the laws can only be extended through a superstitious belief in their legality. The laws respecting bankruptcy favour the preservation of some property: in

sequestrations of baronial estates even the reckless spendthrift is liberally treated: the Licinian law protected personal freedom, and preserved for the republic citizens, who would otherwise have been sold beyond the frontiers, or at least have perisht gradually in want and misery. The deduction of the interest, which had been already paid, was therefore in nowise followed by the consequences, which would be inseparable from a similar law among ourselves, namely, that many a debtor might deduct a sum equal to the whole principal. Such old debts did not exist at all, however high the interest might be. In my examination of the uncial rate of interest, I shall shew, that the year of ten months must in ancient times have been the usual term of a loan: at the end of which, the debtor, if he had no means of his own, was obliged to seek a new creditor[24], often of course both for principal and interest, or to make arrangements with his first creditor. Accordingly the creditor in most cases did not lose very much of his principal: if the interest had mounted up, it was undoubtedly canceled, but the principal then remained undiminisht. The interest of two years was certainly lost in paying off the debt, for the repayment was probably made without interest, as was that of the dos, which was likewise distributed over three years, and the tribunician instalments were undoubtedly, like the latter, of a cyclical nature. It is surprising that the tribunes neither mitigated the severity of the old laws respecting debt, nor restored the enactments against usury.

C. Licinius and L. Sextius promulgated their rogations under the consular tribunes of the year 378, in which they entered upon their office four days before the Ides of December, while the former held their magistracy until the Kalends of Quinctilis. The patricians again set every engine at work to prevent their passing in the concilium of the plebs, lest the sanction refused by the senate and

[24] Festus, s. v. Versura.

the burghers should lead to the extreme decision,—secession and rebellion. To prevent the rogations from obtaining that first degree of legal power, after which they were laid before the senate, the rulers gained over all the eight collegues of the two tribunes, perhaps very honest but timid men, to oppose their being put to the vote. They therefore forbade the reading, which necessarily preceded the voting. No one but a scribe was allowed to read before the assembly of the people, and his disobedience might be punisht with death according to the discretion of the tribune of the people, who had interposed his veto: and in the last period of the republic C. Cornelius entirely destroyed the power of the veto by reading the bill himself, because his servant was obliged to obey the veto[25].

No tribune could forbid the reading before the commonalty: he was only their representative: nor could he in a direct way forbid his collegues from doing any thing; but up to the moment, when the tribes separated, he might disturb the voting and render it impossible, by obstructing the servants in the discharge of the acts, which had to be completed previously to the voting[26].

The authors of the laws, thus hindered by invincible obstacles, and not rash like Cornelius, were the laughing-stock of their opponents. But they were not disheartened by this: when the year came to its close, and the day arrived for appointing the military tribunes for the following year, they stopt the elections.

During five years, for so long did the struggle continue, they renewed this opposition, as often as the magistracy came to its close; in this period there were only four colleges of military tribunes, and the intervals, which elapst between each election without the appointment of any magistrate, were reckoned together in the fasti as a full year[27]. During these intervals interrexes were at the

[25] Asconius, in argum. Cornelianae.

[26] Cicero, fragm. Cornelianae and Asconius in his Commentary.

[27] Vol. II. p. 561. As the sum, from which the tenth was to be

head of the republic: under them went on the internal administration, which gave such little work in antiquity: the interrex had jurisdiction[28]; but the tribunes assuredly did not allow a single sentence to be carried into effect, whereby the liberty of a plebeian was injured. They might even have prevented the patricians from coming together*, for the purpose of appointing these magistrates: that they permitted it, is a proof of their indulgence and moderation. And whenever it was actually necessary to lead a force against the neighbouring nations, they gave up their opposition, and consular tribunes were elected. Meanwhile their office was renewed from year to year: and although the influence of the houses was able to maintain the opposition by the reelection of their partizans, or by the appointment of others favorable to their cause, the supporters of plebeian freedom constantly gained more and more ground by the continual struggle of the two parties: friends of the Licinian laws were elected tribunes, and the number and resolution of the opponents decreased in equal proportion. Even in their third tribunate[29] 380-381 the opposition consisted of no more than five, and these were perplext and fainthearted. In the following election the whole college seems at last to have been unanimous. This is indeed stated in clear words by Livy[30] at the commencement of his narrative of the disturbances of the year 382; although a few lines after he speaks of the contest of the tribunes against their refractory collegues. But this is refuted by the mere aspect of the occurrences. Imme-

paid, was itself regarded as the tenth, it is not surprising, that the four years of the colleges of magistrates, or the five years of the struggle were easily regarded as four or five years of continual anarchy, and that ten tribunates were ascribed to the lawgivers.

[28] Livy, XLI. 9. * Livy IV. 43.

[29] The eighth according to Livy (VI. 36,) consistently with his dream of an anarchy of five years.

[30] Cum tribus vocarentur,—nec intercessio collegarum latoribus obstaret, trepidi Patres ad—ultima auxilia—decurrunt. Livy, VI. 38.

diately after the commencement of the year the tribunes of the people brought the passing of their laws to a decision, as one hastens, after the removal of an intolerable obstacle, which has fettered us for years. The senate, however, had recourse to the extreme means adopted in internal feuds, which had been unnecessary, so long as they could command a veto in the college of tribunes.

Camillus was made dictator, and began to levy an army on the day appointed for voting[31]. Under the severest threats, he ordered the commonalty, which had already commenced voting, to quit the forum: he commanded the lictors to use force. The old man believed himself all-powerful, as Cincinnatus had been with the terrours of a long by-gone time: the tribunes opposed him with a quiet determination. They either promulgated a rogation, that Camillus, if he acted as dictator, should incur a fine of 500,000 ases, or they gave notice by an edict, that, in virtue of the Junian plebiscitum, they would demand this sum of him at law as a punishment for having disturbed the commonalty, as soon as he should have laid down the dictatorship. If it was the former, the commonalty could decide nothing before the third nundines, and Camillus might again have tried to disturb the voting: an edict or a rogation must have appeared to him a culpable violation of the majesty of his office. But the dictatorship possest its omnipotence only by the free and respectful obedience of all, which sacrificed the individual: the rising storm may have been so threatening, that Camillus yielded to the admonitions of all rational men and abdicated[32].

[31] Plutarch, Camill. c. XXXIX. p. 150. foll.

[32] Livy is quite right in observing, that the tribes, if they could make such a decree, could assuredly not be prevented from passing the three rogations: he ought consequently to have regarded it as an awkward addition, when he read: *plebes scivit:* in which addition lies the whole difficulty. His doubt of the possibility of such great boldness in a tribune and of its success arises from his keeping only ordinary times in view. Had the occurrences of the years, which

This account, respecting which both historians[33] agree even in accessory circumstances, is not invalidated by another, mentioned by Livy: that Camillus abdicated from reverence for the auspices. There is a statement, however, worthy of particular attention, which in its brevity directly contradicts the former to a certain extent, and can only be reconciled with it by supplying such facts, as would lead us to suppose the state of things to be essentially different from what they are represented in the history transmitted to us. Camillus, according to this account, was not made dictator on account of the disturbances, but on account of the war, and was compelled to abdicate by an ordinance of the senate in consequence of an edict issued against the soldiers[34]. This is the statement of the fasti set up under Augustus, and known in their fragments by the name of the Capitoline Fasti: which were certainly compiled from the ancient registers, though with little criticism: who moreover, when the old parties were forgotten, nay were no longer understood, would have invented any thing degrading to the hero, who was probably revered as the second Romulus, as soon as the grave had brought to him peace? It may therefore be regarded as a statement transcribed from the ancient fasti; as a true fragment of the

followed almost immediately after, been then known by him and present to his mind, while he was writing the history of the year from the old annalists, he would have recollected, that in the year 392 (397) the dictator L. Manlius was compelled by the tribunes of the people to abdicate (Livy, VII. 3.): and this likewise without doubt by the threat of a multa. The rogation moreover was by no means unconstitutional: the person threatened might act as dictator, if he made up his mind after the close of his time to pay the fine inflicted: he might, so long as he was in office, prevent the tribunes from putting their bill to the vote; but he was obliged to lay down his office at some time or another, and then the decree followed infallibly.

[33] Dionysius is seen reflected in Plutarch.

[34] *Rei gerundae causa* OB EDICTUM *in milites ex Sc. abdicarunt.* The addition is by Panvinius, and no other is possible.

most genuine substance of history. Accordingly the quarrel with the tribunes respecting the law was transferred from the last dictatorship of Camillus; the sedition, which P. Manlius was made dictator to appease, was caused by an imprudent and angry edict of the proud general; his abdication was commanded to prevent greater evil, and the multa was held out as a threat by the tribunes, if he acted as dictator, in order to compel him to submit to the ordinance of the senate.

The senate of a degenerating aristocracy, when contending with the opprest class, is usually wiser than the great bulk of its own order, who can have little or no share in the great and ensnaring privileges possest by the others. An office which has to give counsel in difficulties, and experience in the consequences of stubborn obstinacy, make men inclined to give a hearing to equitable demands: he who has nothing to answer for, demands most vehemently of the government to shew energy, and on no account to concede any thing. This superiority of wisdom in the Roman senate was increast by several plebeians already sitting there, and by many of the noblest patricians being connected by blood and marriage with the second order: for example M. Fabius Ambustus, father-in-law of Licinius; and P. Manlius, whom the senate called to the dictatorship, in order to appease the ferment. The latter was such a decided mediator of peace, that he appointed a plebeian, C. Licinius Calvus[35], who was related to himself and to the lawgiver, to the office of master of the knights.

A second great decision, which prepared the way, was, that a rogation probably proposed at the same time with

[35] Thus Livy, vi. 39: it was the military tribune of the year 377, an ancestor of the sweet poet. Plutarch, Camill. c. xxxix. p. 150, says that it was Stolo the tribune: and the same was also written by Dion, Fragm. 33. Reim., where δήμαρχον has certainly dropt out before ὄντα. But it is impossible to conceive, how the tribunate of the people could have been combined with any other office.

the three others was past as a law, according to which the number of the keepers of the Sibylline books was increast to ten, half of whom were of the plebeian order. There was no pretext for refusing to the plebs a Greek Apollonian priesthood, which had nothing in common with the Sabine auspices: but the concession was an acknowledgement, that they had an equal interest in the fate of the government. At this time an attempt at an agreement appears to have been made[36]; the senate, it seems, shewed itself willing to give way with respect to the domain lands and the debts, but not to admit plebeians to the consulship: now as the dictator Manlius no longer prevented the voting, the people with the shortsightedness and unthankfulness of the multitude only voted for the rogations which afforded them immediate advantages,—the agrarian law and the law of debts. The tribunes on the other hand united the three rogations into one, that the whole might either be past or rejected: though they perhaps did it still more, that the senate and the houses might not win over the multitude by accepting the two rogations, and be able to reject the most obnoxious without danger of an insurrection:—as in critical times the English house of Commons, when at variance with the Crown, has incorporated in a money bill, if the house of Peers supported the Crown, resolutions, which this order could not be expected to assent to, however forein they might be to such a bill; because the upper house is not allowed to alter it, but must either pass or reject it entire. It is related, that Licinius told the people with old fashioned naïveté, that they must eat if they would drink[37]. The two leaders of the people moreover accepted their reelection only on the condition, that the commonalty should be resolved to gain all.

[36] Dion, Fragm. 33. Reim.

[37] ὡς οὐκ ἂν πίοιεν, εἰ μὴ φάγοιεν: according to an emendation of H. S. Reimarus in Dion, Fragm. 33.

The year 383 (388) brought peace. Unfortunately history mentions only in a few hasty words the immense struggles[38], which at length conquered the obstinacy of the senate and the dictator. The rogations were all past: but the sanction of the senate and of the houses was still wanted. Instead of granting this, Camillus was once more appointed dictator against the people. That he intended by levying an army to prevent them from exercising their free choice, admits of no doubt; that he had the intention, which Cincinnatus once had, of repealing the laws, which had been past, by dictatorial decrees given in a mock assembly of the centuries held outside the boundaries of the city, is at least highly probable. But the power of the dictatorship, which was to serve wicked purposes, again failed. It is here that Plutarch's narrative should come in[39], that the tribunes in the heat of the contest ordered Camillus to be arrested in the forum: he presses together in a few days, what may have filled up months.

At last the laws were ratified in due form, and L. Sextius Lateranus was elected as plebeian consul. But the patricians, assembled in the curies, refused to sanction his election[40]. At this senseless refusal, the conflagration, which had been scarcely extinguisht, blazed forth again more frightfully than ever. Livy only says, it came to dreadful threats, and almost to a secession of the plebs: Ovid, who had read carefully the ancient stories for his Fasti, and who must be regarded in historical matters as equal to an historical authority, says more[41]: and the

[38] Ingentia certamina. Livy, VI. 42.

[39] Plutarch, Camill. c. XLII. p. 151. D.

[40] Patricii se auctores futuros negabant. Livy, VI. 42. They had the right undeniably in each single case: but if it was clear, that they always intended to reject every plebeian who was elected, the people saw that they were ridiculed by the passing of the laws.

[41] Ovid, Fast. I. v. 643.

Causa quod a patribus sumptis secesserat armis
Vulgus, et ipsa suas Roma timebat opes.

former, who hastens over all these circumstances, not wishing to dwell upon them, may have softened down, what the old annalists related perhaps unanimously. It is not merely of a threatening ferment that Ovid speaks: he relates, that the people took up arms, and gathered together,—without doubt upon the Aventine. But Camillus himself was tired of the ruinous contest, and longed to lay down his head in peace. Sixty years had now elapst since the battle of the dictator A. Postumius, in which, as the story runs, he had obtained his first glory and received his first wounds. He acted as mediator himself in making peace between the two orders; and vowed a temple to Concordia for his happy success. The plebeians agreed, that the city pretorship should be reserved as a curule office for the first order: the latter, that the criminal jurisdiction should be shared with the plebeians in annual rotation: and Camillus was rewarded for his mediation by the appointment of his son as first pretor. The curies now sanctioned beforehand all the elections of the year, and it is probable that all the Licinian laws were sworn to as a treaty by both orders, as is expressly asserted of the agrarian law.

THE NEW CURULE DIGNITIES OF THE YEAR 384.

THE restoration of the consulship, if no change had been made, would have legally renewed its rights to the same extent, as they had been exercised by those consuls, whose election was carried in violation of law after the institution of the consular tribunate. The pretor's office would thus have remained united with it; whether the deputy or warden of the city*, in the absence of both collegues, would have been appointed by them, or elected by the people, cannot be conjectured, since traces of this magistracy, from the time of the decemvirate, only occur in those years which have consular tribunes.

In this manner the consular power, the division and limitation of which had been urgently demanded ninety years before, would have been restored in its full strength, with the exception of the censorship; and it is not surprising that parties now took quite a different view of the matter from what they did then. The patricians, whose forefathers had represented every diminution of the consulship as an attempt against the soverain power, now demanded the separation as vehemently as at one time their opponents, in order that the power taken away from it might remain a prerogative of their own: but if this were to be done, the plebeians now thought, that the accumulation of powers in one office was a disadvantage which might easily be borne. Meanwhile the concession

* See Vol. II. p. 110.

of that advantage which was at the time of immense value, but was too much opposed to good sense to be of long continuance, proved a happy means of reconciliation. The office of warden was renewed under the name of *praetor urbanus*, which had been in use long before; but in such a manner, that full jurisdiction was given to him even during the presence of the consuls; as, however, the curies had formerly bestowed this office, it was now understood that it should be given in future by the centuries.

When privileges of order were no longer heard of, the necessary dependence of the people upon the senate was only preserved by the weal and woe of every individual depending upon the single senator, whom the pretor assigned to him as judge in a law suit. That which constituted in latter times the strength of one branch of power, had anciently been the foundation on which the power of the order was based; and since the number of plebeian senators, though still small, necessarily went on, increasing, and a much greater number of well-meaning and moderate patricians had already publicly declared their sentiments in the curia, though both together still continued to be in the minority, it was a matter of the highest importance to which party the magistrate belonged who had the discretionary appointment of the judges.

It was further of extreme importance to the patricians, that the decision in cases respecting the possession of the public domain, and that the power by which it was bestowed, should remain in the hands of a magistrate chosen from their own body, who might prevent the discovery of the violations of the Licinian law. Among the arguments which may have been hunted out to give a colour to this claim, a tolerably plausible one might have been taken from the fact, that the care of this possession would be the most important business of the pretor, and that the first order would, for a long time to come, continue to have by far the greatest interest in it.

The division of the consulship was thus at the beginning

very unequal: the patricians had in reality reserved more than two thirds for themselves. The pretor was the collegue of the consuls, chosen under the same auspices, and under the presidency of one of them[42]. Hence it is also very probable that six fasces were assigned to him from the beginning, as the consuls together had only twelve[43]. But although jurisdiction was thus transferred to this magistracy, it nevertheless also remained in the consulship, because originally contained in it, and the consul even reversed on appeal the pretor's assignment of possession[44].

This concession, after all, was not a retrograde movement: on the contrary, by the institution of the curule ediles, the plebeians gained, in annual rotation, a fair share in a power, which, with the exception of the short time of the second decemvirate, seems never yet to have been conceded them; while the patricians only obtained some additional splendour, which the former also shared with them. It is true, that the account preserved by Livy shews rather a gain for the patrician youth, though only in gratification of vanity, which they are said to have afterwards shared with the plebeians of their own accord out of delicacy[45]: but this statement must be rejected outright as one invented in later times, when the ancient meaning and the most important rights of the edileship were com-

[42] Livy, VII. 1.

[43] Polybius always designates the office of the pretors by the six axes; and not only those sent into a province, but also the city pretor (XXXIII. 1. 5), which, unfortunately, cuts off the easy method of reconciling this statement with the one exprest without any doubt in several well-known passages, that the latter at least had only two lictors: namely, by supposing that the greater number was added when the pretor was outside Rome. I do not know how to untie this knot: the lex Plætoria in Censorinus, c. 24, seems to introduce the number of two lictors; but this lex cannot be placed after the time of Polybius, since only a forced interpretation of the passage of Plautus, Epid. I. 1. 126, could destroy the testimony it affords of the number being the same in his time.

[44] Val. Max. (VII. 7. 6.)

[45] Liv. VI. 42. VII. 1.

pletely forgotten. One may pardon the author for thinking it natural that the young patricians, with their chivalrous feelings, should offer to defray the expenses of the fourth holiday, which the pious gratitude of the senate vowed for the restoration of peace, and that the plebeian ediles, with the avarice of persons of low birth, should refuse to do so: besides, it is superfluous to ask, with what fairness the latter could be required to spend still more than before, if the senate thought proper to dedicate a yearly holiday as a vow of gratitude for the whole state? to say nothing of the fact, that the economy, which refused to incur such an outlay, would, after all, be more worthy of honour than usury. But the perfect clumsiness with which the story was fabricated, appears from the circumstance, that the festive games, whose expenses were increast, were the Roman or great games, with which the plebeians had had nothing to do, since they were exhibited for the populus, as is clear from the places of the spectators being assigned according to the curies[46]. The distinction between the two orders extended even to their festive games; it is certainly beyond doubt, that the ediles of the commonalty presided at the plebeian games; since it is clear, that the latter cannot have been held in the great Circus, but gave occasion to the building of the Flaminian, as the spot which, from early times, had occasionally served the order as a place for holding elections[47]. But even if they had had the management of those games, they might still have consented willingly to their extension. For we learn from the most authentic testimony of Fabius, that the republic down to the first Punic war assigned every year five hundred pounds of silver, 500,000 ases, to defray the expenses[48]: that the management of this solemnity became changed into a liturgy, in the Attic sense of the word, was,

[46] Vol. I. p. 426.

[47] Vol. I. as above.

[48] Dionysius, VII. 71.

without any doubt, a consequence of the great financial embarrassments of the state: such a liturgy is wholly inconsistent with the character of a republic, which supplied the magistrates with all their wants, and with all the outfit of their dignity, from the treasury[49].

In the last place, how could it be related seriously, that the senate considered it unfair, that the patricians had gained three curule offices for the one granted to the second order, and were, therefore, pleased[50] to decree the annual rotation of the edileship as early as the second year: while the party, which still had the sway in that assembly, used every exertion to deprive the plebs again of the only office they had gained.

It arises from a peculiar advantage of Roman history, that even this narrative has some truth for its basis, which may be discovered. The addition of a day to the great games[51] was something quite different from the prolongation or repetition of the festivals for one day or several, as was often done in joy or sorrow. It was a permanent extension, by which a fourth holiday was added for the commonalty, just as previously there had been one for each of the three old tribes: in the same manner as on the abolition of the kingly dignity, the tribune of the knights formed, with the tribunes of the three tribes, a college of four representatives of the soverain power. It is also more credible that such a holiday was added, even as early as that time, and arterwards suppresst; that after the peace with the commonalty it was restored and again abo-

[49] However unjustly they may have acted towards the plebeians, yet it cannot be conceived, that the magistrates of the latter should have been compelled to exhibit games to the houses at their own cost; somewhat as the poor Jews in modern Rome are obliged to give the brocaded pallium for the foot-race.

[50] Livy, VII. 1. verecundia inde imposita est senatui ex patribus jubendi aediles curules creari.

[51] In Livy, one sees clearly what festivals are meant: Plutarch's opinion, that they were the Latin holidays, is a sad blunder.

lisht, than that all the tribes did not obtain this honour at once in a festival, the institution of which is, without doubt, rightly ascribed to the age, designated by the name of Tarquinius Priscus; but on the contrary that it was not granted to the Tities till the introduction of the consulship, nor to the Luceres till the reconciliation with the plebs; events which had nothing to do with them. Its introduction was an acknowledgment that the plebs formed a true part of the Roman nation; that they stood as near to the great gods, in whose honour the games were solemnized, as the old tribes; but then it was also necessary to grant to them in turn the presidency at them. The division of the curule edileship was, therefore, necessary at its institution, and not an improvement added upon second thoughts; nor is it denied, that as early as the second year plebeians were elected. If this had not been establisht from the beginning, it would not have been obtained till after many years full of strife.

By the share in the presidency at the games, they would, however, have only gained an external honour; and if their office had had no greater extent than in Cicero's days, and in his description of the Roman constitution[52], their utmost gain would have been in obtaining the acknowledged right, of extending their astynomic and agoranomic power over the patricians: for this police jurisdiction had been exercised by the plebeian ediles since the decemviral legislation throughout the whole city, as from the earliest times over their commonalty[53], though probably not over the first order. But the patricians had at least some compensation in the fact, that a magistracy chosen from their own body, instead of having its jurisdiction limited, as hitherto, to its own order, had now, every other year, administration in a sphere from which

[52] Cicero, de legib. III. 3. (7.)

[53] The command, to take care that only Roman gods were worshipt, Livy, IV. 30, was, evidently, quite general.

it had formerly been excluded. If, however, the curule edileship from the first had comprised only the superintendence of the city, of the corn-market, and of the festive games, it would never have been anything but the first step to higher honours: no one would have wisht then, even when it was not yet a burthen, any more than in subsequent centuries, to hold it several times, and after filling the highest offices; and yet we find that M. Valerius Corvus, who was consul as early as his twenty-third year, held it four times. But in ancient times, T. Quinctius was appointed questor after three consulships[54]: and the meaning of the new office was, that this questorship, hitherto exclusively patrician, should now be conferred by the centuries upon both orders in rotation. The institution of this edileship was an essential part of the Licinian legislation, and a great advancement of general liberty.

It is impossible to determine in what accusations, brought against persons for crimes not wholly beyond doubt, a judge was given from the senate, and when the affair was decided before the court of the nation or the tribes. But it is known, that the perduellis, disdaining a useless delay, appealed to the court of the populus, if he did not acquiesce in the decision of the duumvirs; and there can be no doubt that the same course of proceeding was adopted in all cases, which were not real crimes against the state, and in which a Roman magistrate appeared as accuser before the people: this magistrate had pronounced the verdict of guilty before, and the court of the people only came in because the condemned had the right of appealing to his equals or the nation. It cannot, perhaps, be determined when the general right of accusing was granted, the abuse of which led to the rise of the Quadruplatores: but there can be no doubt, that so long as the increased fine went into the common purse, the accusation, in consequence of which it was inflicted, was brought on behalf of the state.

[54] Livy, III. 25.

The jurisdiction, which was formerly exercised by the *quaestores parricidii* and afterwards by the *triumviri capitales*, or judges of capital crimes[55], appears now to have belonged to the office of the curule ediles, who are represented as judges in criminal causes, who justified before the assembly of the people their verdict, when it was disputed, and who, therefore, have the appearance in a brief narrative of only discharging the duties of public prosecutors. It was the *quaestores parricidii* who condemned Manlius to death; after which one finds no trace of them as far as Livy is preserved: they inquired into crimes, says Varro, as the *triumviri capitales* do now[56]. The establishment of the latter was related in the eleventh book of Livy: and it is only the last books of Livy's first decad that can shew us the criminal jurisdiction in the hands of the curule ediles, such as it had been exercised by the questors. But this judicial power was no more lost by the establishment of the new office, than the jurisdiction of the consuls by the appointment of the city prætor, and under circumstances in which the *triumviri capitales* could not have come forward against a criminal, M. Marcellus exercised the ancient right of the edileship, which he then held, of bringing a criminal charge before the people[57]. Besides, the name of that new office shews, that it could not have the right of bringing accusations before the people, which were only intended to inflict pecuniary fines: thus, the upholding of the laws against usury, remained with the ediles: the power of punishing a person for possessing more of the public domain than

[55] That the office, as conferred upon the latter, was more limited in its jurisdiction, and of less dignity, is of little importance; the ediles received it undiminisht.

[56] De L. L. v. 14. (iv. p. 24. ed. Bipont.) He had no occasion to say that their office had in the time between been transferred to the ediles: he only explains the name of the questors.

[57] Valerius Maximus, VI. I. n. 7. Plutarch, Marcell. c. II. p. 298. E.

the law allowed, may not even have been transferred to it from the plebeian ediles[58] until a later time.

The following cases are proofs that the ediles in ancient times were magistrates, who investigated and prosecuted crimes.

The poisoning by the matrons was denounced to the curule edile Q. Fabius[59].

The twelve tables denounced death against a person, who transferred corn by witchcraft from another man's field to his own: the curule edile Sp. Postumius Albinus brought before the people an accusation respecting this crime[60]: a case, which cuts off the possibility of saying, that after all only the city police might in all cases be meant.

The violation of a free citizen, who was not legally infamous, though he might have consented to the crime, and even obscene proposals, were punisht with death by the ancient laws, which were in keeping with the pure morals of the ancient people: and in accordance with them the triumviri capitales also prosecuted it as a capital offense[61]. In the same manner M. Marcellus as curule edile brought an accusation before the people against the person, who had tried to seduce his son[62]: that a charge against a tribune of the people was accepted during the continuance of his office, and the evidence which satisfied the people, are no less extraordinary circumstances. The offender was condemned solely on account of the unblemisht character of the accuser, and the blushing silence of the boy, who could not mention the abomination.

When the chastity of free born female citizens was violated[63], the females themselves and their seducers were

[58] Who condemned persons for this offense even as late as 455 (460): Livy, x. 23.

[59] Livy, VIII. 18. [60] Pliny, H. N. XVIII. 8.

[61] Valerius Maximus, VI. 1. n. 10.

[62] Valerius Maximus, VI. 1. n. 7. Plutarch, Marcell. c. II. p. 298. E.

[63] The law left the morals of freedwomen to themselves: and the

punisht in the name of the whole body of citizens, who had been dishonored in them: women by heavy fines; guilty men perhaps more severely. Against the latter[64] as well as against the former[65], the accusation was brought by the ediles before the court of the people.

I think it probable also, that Pullius and Fundanus, the accusers of P. Clodius on account of the defeat at Drepana[66], were not tribunes of the people, as they are called by the scholiast, through whom this event has now become clear, but curule ediles[67].

When the majesty of a magistrate was violated, an edile summoned the offender before the court of the people[68].

prejudice was so strong against them, at least against the time they had been slaves, that it may have been for this reason that marriage with a freedwoman destroyed the civil rights of a free citizen: perhaps made him infamous.

[64] Livy, VIII. 22. Valerius Maximus, VIII. 1. n. 7.

[65] Livy, X. 31. That Q. Gurges was edile, has been rightly inferred by Pighius from the multa having been applied to erect a sacred building.

[66] Schol. to the speech, in Clodium et Curionem, p. 79. ed. Mediol.

[67] Because the name of Pullius occurs very seldom, and therefore the clivus Publius was, like the clivus Publicius, in all probability made by this accuser out of the pecunia multatitia, that is, the twelve thousand ases of heavy money, which Clodius was sentenced to pay:—next, because there hardly occurs an instance, in which two tribunes conjointly *diem dicebant*; while the ediles usually acted together in such a case:—further, because the Scholiast, forgetting his former statement, afterwards speaks of the objection of *the* tribunes, as if the whole college had acted, and not the majority against two of their own body:—and lastly, because it is said *dies dicta perduellionis est*. They consequently acted as successors of the duumviri perduellionis;—such an accusation against a consul was far above the sphere of the triumviri capitales.

[68] The Publicii, who made the beautiful clivus up the Aventine with the multa gained in such a case, are called by Varro and Ovid plebeian, by Festus curule ediles: between these authorities we cannot decide, and certainly have no right to make any change in Festus (s. v. Publicium), where also Velia is undoubtedly the right reading. If the whole district between the Palatine and the Cœlius

They often summoned usurers[69]; in later times patricians also, instead of the plebeian ediles, summoned before the people those, who had made more use of the public pasture than the law allowed; since the wealthy among them had then had for a long time no greater temptations than those of the second order, to deprive the republic of its revenues.

The fines, which were inflicted, never went into the public treasury, but were always spent upon buildings, embellishments or festive games, and though their annual amount varied exceedingly and might be insufficient, they might nevertheless be assigned to the great games. It is certain that the fines exacted by the plebeian ediles were applied to the games of their order; and as these earlier ediles were also judges in their order, and brought before it accusations for great offenses, which consequently made their office a questorship, so the office of the patrician judges, who presided in trials of life and death, was akin to an edileship, though it only obtained money for the festivals. It would have been in reality an edileship of their order, if the questors had also celebrated the festive games; but this may more probably still have been an honorary privilege of the consuls, and sometimes of their deputy, the warden of the city, which they may not have lost till the present time, when a national office was instituted, comprising both orders. The dark name of a dreaded jurisdiction was exchanged for a pleasing one.

That the rights of the plebeian ediles were now altered, cannot be doubted: every trace of their old jurisdiction vanishes with the exception of prosecutions for an unlaw-

belonged to the Velia, the Publician clivus, beginning from the Circus, certainly made the Aventine accessible to carriages coming from that district, which formerly could reach the hill only by a great roundabout way out of the city, and again into it at the Porta Trigemina.

[69] For example, Livy, VII. 28. X. 23. XXXV. 41. Pliny, H. N. XXXIII. 6.

ful use of the public pastures. But the relation of the two edileships in subsequent times, is one of the most inexplicable riddles in Roman antiquities.

That the two orders began to share the curule edileship in annual rotation even in the second year of its institution, is stated clearly enough by Livy[70]: it is equally certain that he thought, that this regulation soon ceast, and that the election was made from both orders indifferently[71]: but this is a mistake. For not only in the few passages in the books of the first decad, where he mentions curule ediles, are the two of the same year of the same order, and the rotation is seen by the even and odd years, in which these, though only isolated, statements occur; but we also find the same to be the case in the accounts, though still only of a fragmentary kind, from the beginning of the Hannibalian war, and further on in the fasti year by year, which from that time he gives complete. The same arrangement is found for the time about 590, where his books are already wanting, in the Didascalia of Terence[72]: and Polybius, whose first edition is to be placed about the beginning of the seventh century, says even of his time, that it was necessary to name two patricians at the

[70] Livy, VII. 1. 5. 6. Gaius had certainly mentioned the consulship of L. Genucius and Q. Servilius (385) with no other view, than to state the year, in which the first curule ediles were chosen from the plebs: Lydus has mangled this very appropriate statement so as to make it nonsense, and has turned it into a heap of rubbish (de magistr. I. 46).

[71] Livy, as above, primo ut alternis annis ex plebe fierent, convenerat; postea promiscuum fuit.

[72] The Andria was performed for the ediles M. Fulvius, M. Glabrio, plebeians 581 (586); the Heautontimorumenos for L. Lentulus, L. Flaccus, patricians 584 (589); the Eunuchus for L. Albinus, L. Merula, patricians 586 (591): as in the books of Livy the patricians in the even, the plebeians in the odd, years. Two pairs moreover occur in the Hecyra, of which the year is not stated; one a patrician and the other a plebeian.

same time[73]. Thus the distinction between the two orders was observed here, long after it had ceast to be observed in the consulship.

The time, which called forth these two curule magistracies in a new form, also occasioned the creation of an extraordinary one, which never appears again down to the destruction of the republic. A statement, which with many similar ones, still worse disfigured, is undoubtedly a valuable relic of Junius Gracchanus's history of the Roman constitution, informs us, that after the five years' agitation concerning the Licinian laws, which is designated as an anarchy of that duration, three legislators and judges were appointed to compose the disturbances[74]. Varro must have meant this magistracy, when he mentioned, along with the decemvirs and consular tribunes, also the triumvirs for the regulation of the republic[75], among the extraordinary magistrates, who had the right of convoking the senate. As to the fact there can be no doubt; and an extraordinary magistracy with the power of jurisdiction was decidedly necessary to carry into effect such laws, as those respecting the ager publicus and the state of debts: in the same way as by the law of Tiberius Gracchus a

[73] Polybius, x. 4. ἔθους ὄντος δύο πατρικίους καθίστασθαι: had this been altered when he wrote, he would have added, *at that time*.

[74] Lydus, de magistr. i. 35. τρεῖς νομοθέτας καὶ δικαστὰς προβληθῆναι πρὸς βραχὺ συμβέβηκε διὰ τὰς ἐμφυλίους στάσεις.

[75] Gellius, XIV. 7. addit item triumviros rei pop. Rom. constituendae causa creatos jus consulendi senatum habuisse. It is not altogether impossible, that Varro did not write the letter, by which he meant to supply his lost book written for Pompey, till after 700 (705): but the tyrants, who had then set themselves up, would probably have been mentioned here by no one: and moreover the triumvirs together with the two other magistracies, which had disappeared long before (*jus habuisse*), are opposed to those which still existed.—For the rest, I have in the words quoted above made still less change in the reading of the manuscripts *rei p. reconst.*, than J. F. Gronovius, who without any necessity wrote *rei publicae pop. R.*

triumvirate was appointed for the whole time of its operation, whose powers far exceeded those of an ordinary college of this name for the distribution of the public domain. C. Licinius without doubt caused himself to be elected a member of this triumvirate: which explains why his name does not appear as consul till two years afterwards[76]. The duty of taking care that the laws did not become a dead letter, was greater than the honour of the consulship, which was perhaps incompatible with such an office.

[76] If this dignity is not ascribed to him merely on the supposition, that the authors of the laws could not fail in obtaining it. In the Capitoline Fasti C. Licinius Calvus stands in his stead.

INTERNAL HISTORY DOWN TO THE COMPLETE ESTABLISHMENT OF THE PLEBEIAN CONSULSHIP.

THOUGH a firm hand had secured the promist benefits, yet nothing but time and the gentle force of habit could establish a sincere peace between two orders, which had now past over to a state of equality from one of long-standing oppression and insult. The blindness of the patricians prevented them from perceiving, how vain their attempts were, to recover their lost privileges: it was necessary that such attempts should become dangerous to them, before the republic could enjoy internal peace with freedom. Before this object was attained, five and twenty years past by in suppressed but violent agitations.

After the revolution, which had become possible through external peace, there followed an unusual calm, while the government was wholly engaged in carrying the laws into effect. It may also be true, that the senate did not wish for any war, in order to keep the plebeian consul in inglorious inactivity[77]. Natural events of a destructive kind prevented this tranquillity from restoring the republic to health: a pestilence raged[78]: and the river overflowed the

[77] Livy, VII. 1.

[78] It may indeed be called a pestilence, as it carried off a censor, a curule edile, three tribunes of the people, and is said to have been proportionately fatal among the people. In this epidemic M. Camillus died at a most advanced age, if he was not still a child at the time, when the lays already ascribe to him heroic deeds. Roman

low districts. But so changed was the general feeling in little more than one generation, that now the comitia could not be disturbed by the pretended indignation of the gods at the election from unworthy houses. The fourth year was already passing away without war: and now there ripened in the patricians the scheme for putting a stop to the operations of the Licinian law by the old terrours of the dictatorship, and by a forced levy of troops. It was only for the ceremony of driving in the nail of the year, that the haughty and violent L. Manlius was named dictator 387 (392)[79]: in spite of his commission he began to levy an army against the Hernicans: but the tribunes compelled him to give up his undertaking together with his dignity.

When the war broke out in the following year, and the plebeian consul L. Genucius was surprised by the Hernicans and fell in battle, while the legions fled; then, says Livy[80], the misfortune of the army little grieved the patricians: they exulted at the disgrace of the plebeian general. A dictator was then appointed, and also in the two following years; so that, what had hitherto been unheard of, there followed four years of dictatorships: without doubt on account of the elections in reality, though no attempt was yet ventured upon. The pretence, that the plebeian incapacity of taking the auspices threatened the state with an evil, which could only thus be averted, destroyed even in 390 (395) the merit and success of the consul Pœtelius. In the next year 391 (396) a dangerous

history, like that of other countries, shews that military greatness leads to the oldest age, as indeed nothing is so favorable to life as the perfect realization of fearful thoughts, which is especially given to a general in the highest degree; in addition to which restlessness and intense passion rouse his innermost spirit: uniformity does not cripple him. The poet also lives an intense and youthful life. The statesman of antiquity lived thus: quite different is it with the man of business in modern times: the scholar also is exhausted by his work, seldom animated.

[79] Livy, VII. 3. [80] VII. 6.

discord between the two orders is mentioned, which was appeased by the terrours of the Tiburtine war[81]: undoubtedly the same dangerous sedition and insurrection of the commonalty against the patres, which M. Popillius the consul allayed, by hastening to the forum from the sacrifice, which he was then offering as flamen to Carmenta, without changing his dress, and by speaking mildly to the excited multitude[82]. Thus plebeians in the highest office were the guardians of peace, if the oligarchs would but leave it undisturbed.

When the consul M. Fabius was beaten by the Etruscans in the year 394 (399), C. Marcius Rutilus, the plebeian consul of the preceding year, was invested with the dictatorship, with the most violent indignation on the part of the patricians. That the plebeian M. Popillius nominated him, is beyond doubt: it is not likely, that he chose him, instead of merely proclaiming him: but the prudent party might perhaps be already strong enough in the senate to obtain his election in their own body. So destitute of feeling for the welfare of the republic were the oligarchs, who lived only for the aggrandizement of their own order, that the houses refused to the dictator all means for forming an army, when the Etruscans had advanced as far as the Salines, near the mouth of the Tiber[83]. Yet the war was to be carried on against an enemy, which two years before had sacrificed three hundred Roman captives.

But in the same way as, —— when faction and envy denied the great Scipio the means of saving and avenging his country, which he could promise with prophetic certainty, and scornfully granting him the permission of

[81] Livy, VII. 12.

[82] Cicero, Brutus, 14 (56). Hence the name Lænas: he was therefore the first of this name: and the circumstances of his other consulships appear less suitable to it.

[83] Livy, VII. 17. Omni ope impediebant (Patres), ne quid dictatori ad id bellum decerneretur parareturve. Eo promptius cuncta, ferente dictatore, populus (the Centuries) jussit.

carrying his plans into execution, only assigned him such forces, as must have compelled him in his despondency to remain inactive or to perish,— the people and all Italy, so far as it was faithful, gave up to the hero of their own accord far more than the senate could have offered; so the good will of the citizens afforded to C. Marcius all means, which laws fully sanctioned could have furnisht him with. The centuries voted the supplies in accordance with his proposals, but these presuppose an ordinance of the senate; so that he must then have had the senate with him; which he perhaps even continued to have, when, on his return from his glorious campaign, he triumphed without the sanction of the patres[84]: but in an assembly, in which two hostile parties are equally balanced, the majority, obtained by the accession of a few among the wavering or the weak, is extremely varying. The senate must at least have lent its whole weight to the oligarchs, when they ventured in this same year to attempt the overthrow of the Licinian law. It is true, a power had been restored to them, the want of which twelve years ago had not allowed them even to think of a serious contest with the commonalty. For the last two years the alliance with the Hernicans had been restored, and that with the Latins somewhat longer: it had been renewed with both nations as favorably as they could wish, and both were now a sure help to the rulers.

The elections of the consuls were entrusted to interrexes, who accepted no votes for plebeian candidates. For a long while the tribunes resisted; and it was only the eleventh interrex[85], that could declare the two patricians elected, who had the most votes, to which he added the

[84] Livy, VII. 17. sine auctoritate patrum, populi jussu, triumphavit.

[85] M. Fabius Ambustus; who certainly appears to be a different person from the father-in-law of Licinius — the latter is K. F., the former M. F.—: otherwise such a change, and the zeal in doing the very opposite in order to reconcile the party, which one joins again, would be anything but unheard of.

insult: that as according to the twelve tables the last resolution of the people was decisive against former laws, so in this case, the election, the work which he had brought about by force, was decisive against the Licinian law. Thus the consular fasces of the year 395 (400), the twelfth after the Licinian law, came again to two patricians[86]. The latter at the next election called it a duty of honour, to preserve for their order the exclusive possession of the consulship, which they had again recovered. As they therefore obstinately rejected all votes for plebeian candidates, the free people left the field of election with the tribunes, and the consuls completed a mock-election by the votes of the clients[87]. Some annals named M. Popillius[88], instead of the second patrician consul, without doubt as the one legally elected, but who was either not so announced or not recognized by the populus.

In the third year also 397 (402), the patricians maintained the possession of the consulship in violation of the law. But the ferment must now have risen to so great a highth, that they mistrusted the power of the consulship: for five years in succession (397-401) during peace or insignificant wars, a dictator was appointed every year, evidently each time for the purpose of conducting the elections, though not always with success. The increasing violence called forth a more vehement resistance. T. Manlius, as dictator, was resolved rather to let the consulship perish, than to tolerate a plebeian consul[89]. But the tribunes did not allow him to hold the elections; and an interreign succeeded, which was prolonged by the equal obstinacy of both parties to the eleventh interrex. At last the senate ordered, that the Licinian law should be observed. This was however only a forced concession for once: it was regarded as a sacrifice[90] made to peace, which

[86] Livy, VII. 17. 18.
[87] Livy, VII. 18.
[88] Livy, VII. 18, near the end.
[89] Livy, VII. 21.
[90] Concordiae causa. Livy, VII. 21.

was plain duty, and deserved no thanks. In the following year the patricians gained their point by two interreigns: for the year 400 (405) the people maintained the power of its law; indeed so great had become the influence of enraged public opinion, that C. Marcius Rutilus, the same who had first brought the honour of the dictatorship into his order, was accepted as eligible to the censorship, and was obliged to be recognized by the patricians as censor elect, however vehemently they struggled against it. But so fluctuating is the victory in a free state when at discord, that the dictator L. Furius Camillus was able to carry the elections for the next year according to the wishes of his faction. In opposition to an ancient ordinance of the senate, which forbade the reelection of curule magistrates, in opposition to every feeling of decency, he appointed himself with a patrician collegue by means of forced votes, and so shameless an election was approved of by the patricians, just as they had supported it with their utmost efforts[91]. So highly were his merits esteemed, and so fictitious was the need of a dictatorship, that, when his collegue Appius Claudius died, not only was no consul elected in his place, from which perhaps it might not have been possible to exclude a plebeian, but the senate did not even command the nomination of a dictator[92]. Many an honest man must have been ashamed of such proceedings, and have renounced the faction. This may have facilitated the maintenance of the Licinian law for three years: but it was again violated in the years 405 (410) and 407 (412). This was the last time. Among the thirteen consulships from the year 395 (400), when the Licinian law was first broken, to the one last mentioned, there were seven in violation of the law. Rome was constantly in a state of internal anxiety and violent commotion, which could not last. All hopes had vanisht, that the patricians would leave off their miserable annoyances. How the

[91] Livy, VII. 24. [92] Livy, VII. 25.

republic was marvellously saved in a course, which has brought ruin upon almost all free states, but became salutary to her through the virtue of her people, I shall relate in connection with a great but disfigured occurrence, after mentioning some laws and events which belong to this period.

It was undoubtedly an extension of the privileges of the people, when in 388 (393) the election of six tribunes of the soldiers was transferred to the centuries[93]: but it may be, that the consuls conferred the office now, since the military tribunate was no longer a magistracy, or that the curies claimed the right of granting it, although the ancient tribes were abolisht.

In the year 393 (398) the patrician consul Cn. Manlius compelled his army, near Sutrium on the military frontier of Etruria, to decree in an assembly held according to tribes, a tax of five per cent on the value of emancipated slaves. The senate and burghers sanctioned this strange consular plebiscitum[94]. Its object deserved no censure, because it rendered the emancipation of slaves more difficult, by which the nation and soon the body of citizens ~~were~~ filled with strangers; the state also obtained a new revenue: but it would have been easy to accomplish both objects in a constitutional way. It may have been merely an attempt to introduce, with an apparently praiseworthy precedent, legislative assemblies under the power of the oath of unconditional military obedience, such as Cincinnatus a century ago wanted to hold, in order to abolish the tribunate of the people. Therefore the tribunes in the

[93] Livy, VII. 5. The tribes cannot be meant, because it was the classes which constituted the comitia centuriata. In later times also the military tribunes chosen by the people were elected in the same comitia as the consuls, consequently by the centuries of that time. Polybius, VI. 17.

[94] Livy, VII. 16. legem novo exemplo in castris tributim—tulit. Patres—auctores fuerunt.

very same year forbade such assemblies under penalty of capital punishment[95].

In the same year C. Licinius Stolo was condemned in accordance with his own law, because he occupied a thousand jugers of the arable land of the public domain; half in the name of his son emancipated for the sake of appearance. A mournful instance of how irresistibly does avarice, as soon as the heart is open to it, take possession of those who should be most securely guarded against it by honour, but also of the fact, that the greatest blessings are sometimes afforded by hands not quite pure; and that it may happen, that the best cause is represented by such, while the unblemisht sluggishly neglect the service.

In the year 397 (402) two new tribes were formed[96]: as the name of the Pomptinian leads us to infer without doubt, from the Volscians, who had become Romans, while others of their towns joined Latium. Thus the equilibrium was preserved between the two confederates.

The Licinian law of debt, like every other which injures private credit, afforded to those involved in debt the hoped for advantages only to a limited extent. The paying off of the principal, even without interest, in three instalments, could only be accomplisht in most cases by borrowing afresh, in which case the debtor must unavoidably have been compelled to promise all the higher interest, as the money-lenders had to indemnify themselves for their losses. Though many debts may have been liquidated by transferring the lands which had been assigned, yet the demand

[95] Livy, VII. 16. But why did the prohibition say—a thing, which must have been quite indifferent to the tribunes —: *ne quis populum sevocaret?* Was then an assembly of the houses in the Petelinian grove no *sevocatio populi?* Should it not have run thus: that no one invested with a curule magistracy and the imperium should call aside the populus, and transact business with the commonalty alone? That the tribes were forced to vote and not the centuries, may have been owing to the circumstance of there being no ordinance of the senate.

[96] Livy, VII. 15.

for money probably exceeded what had become available for new loans by the payments in instalments. Private debts, when they become universal, are the sieve of the Danaids. Hence in a short time the complaints again grew loud and pressing; and as experience had taught, that usury-laws were indispensable, the uncial rate of interest was restored, ten years after the Licinian law, by a plebiscitum, which was reluctantly accepted by the curies. It will be shewn that the uncial rate of interest amounted to ten per cent for the civil year. The same plebiscitum without doubt ordained the punishment of a fourfold fine against the usurers, who violated it; and it is of this punishment that the condemnations in the year 406 (411) are to be understood. Since the transgressors of the law would have taken care not to stipulate in so many words for what was forbidden, their offenses would not be manifest, and of such a nature, that a judge could pronounce sentence of Yes or No: they were decided by the people, as judges on their oaths.

ON THE UNCIAL RATE OF INTEREST.

TACITUS says[97], that the uncial rate of interest was introduced by the twelve tables: Livy represents it as establisht in 393 (398) in consequence of a rogation. Now it is clear, that the Licinian law cannot have found the interest limited, for the merciless usurers would without fail have extorted a far higher interest than the law allowed, and then nothing more would have been necessary, than to leave to the debtors the fourfold fine forfeited to the state. However, it does not seem credible, that Tacitus, who was by no means indifferent to the antiquities of Roman history, should not have read the twelve tables; and to say that he quoted them carelessly, violates the reverence due to his memory. The supposition, that an enactment of the twelve tables had fallen into disuse, and that therefore its renewal had become necessary, whereby a commentator* worthy of all honour endeavoured to reconcile the two historians, seems inconceivable to me; the time down to the general prevalence of debts before the Licinian law is too short for that: but that law might perhaps have been expressly repealed. Its existence in the twelve tables is supported by the state of things before the Gallic time, when not the slightest complaint is heard of oppressive interest: moreover it is clear, that without an interest fixt by law there could not have

[97] Annal. VI. 16. * J. A. Ernesti.

been the punishment of the fourfold fine for usurers; and Cato, who unquestionably knew the twelve tables by heart, places this as a part of the legislation of his same ancestors by the side of the twofold fine for theft. Such an account under a definite year in the context of the annals has evidently, if one must choose between the two, much more weight than an accidental statement even in the greatest writer. Respecting the amount of the uncial rate of interest, there are likewise two opinions, which differ from one another in an unexampled manner, but both of which set out with the supposition, that the calculation of interest by months, which was indisputably the only one adopted in Rome in later times, was also the usual mode from the very first. The one regards the centesima, the monthly per cent as the unit, and the twelfth of it as the legal interest, and thus reckons it at one per cent per annum[98]: the other makes it a hundred per cent per annum, since it sees the unit, the as, in the principal, a twelfth of which was paid every month as interest[99]. The latter opinion can only offer itself as an hypothesis, for it is not supported by one single passage either in the way of testimony or analogy; it ought therefore to be able to

[98] The great names of those, who have adopted this in despair of any other solution, are mentioned by Ernesti on Tacit. Ann. VI. 16.

[99] (The refutation of this hypothesis most remote from the truth, which follows in the text, the author had not intended to reprint, as is proved by the following note, which was already written down:

"The first edition of these investigations also examined in detail an entirely opposite hypothesis: namely, that the uncia is to be understood of one twelfth of the principal paid monthly, and consequently that the legal interest was one hundred per cent per annum. It seemed proper at that time to shew, how utterly inconceivable such a thing is: there were no proofs to refute; but as no one now will probably advocate it again, it is sufficient to say, why that examination has been omitted."

But the revision of the text had not yet advanced far enough in this place, to enable one to represent Niebuhr's true views without arbitrary alterations.)

bring forward internal probability in its favour; but such a rate of interest has never existed any where in the whole world, and never could. He who borrows from necessity and possesses enough to appear to the lender capable of paying, will surely be able to sell his property even with less loss than fifty per cent, and gains by this in comparison with such a system of borrowing. He who borrows money for speculation, may indeed, especially on bottomry, pay a high rate of interest; but it is one of the rarest chances in the world, that any one gains by a regular business, even in the most distant countries, more than a hundred per cent. In a person's own country it is impossible: otherwise the price at which all things sold would only be equal to what they produced annually, whilst the accumulation of capital by means of this rate of interest must again produce a competition causing a great increase of prices. For here we are speaking of a rule, and not of extremely rare cases of enormous usury. Further, that which was legally enacted as a relief to the people, and eagerly past by them to the sorrow of the patricians[100], must have abolisht a much higher rate of interest, which had been customary before. Are we to suppose then, that two hundred per cent had been the usual or legal rate of interest before, inasmuch as it was again reduced soon afterwards to half of the uncial rate, that is, according to this hypothesis, to fifty per cent? But according to the Licinian law of debt itself, there were necessarily arrears of principal remaining to be paid, after deducting the interest, which had been already paid, while on the contrary, such a rate of interest would have led to Palintokia, or the repayment of interest to the debtors[1].

The opposite opinion, and perhaps the most general

[100] Livy, VII. 16. haud aeque laeta patribus — rogatio: et plebs aliquanto eam cupidius scivit.

[1] Plutarch, Quaest. Graec. p. 295. C. D.

one, which sees in the uncial rate of interest, only one per cent per annum, rests on entirely different grounds: for that the monthly per cent was in later times the unit, the twelfth of which expressed the rate of interest, is as clearly made out as any point in antiquities. But there is every reason for believing, that this monthly per cent, the centesimæ, far from being the same as the as of the old uncial interest, was a forein rate of interest, and not adopted in Rome till the time of Sylla. It is, I believe, impossible to point out a single passage, in which it is mentioned, earlier than the writings of Cicero, who very often speaks of it, even to a fourfold amount, in the outstanding debts, which wealthy Romans had in the Greek provinces; in Rome it seldom occurs, and when it does, it is with all the fluctuations of a full discount, and also below the unit-rate down to four per cent. At Athens the monthly rate of interest was the legal one, a drachma for a mna, and in certain cases, as for the property of wives, one and a half per cent, or nine oboli; and this was undoubtedly the case from Solon's time. This rate of interest, which has continued in the Levant down to the present day, was also preserved under the Roman dominion, and the Roman bankers, who employed their capital in the provinces, derived advantage from the fearful facility of increasing it, which was afforded by the very term. As it was there the standard, by which they regulated all their money transactions, it became usual at Rome also, and then the general Roman custom occasioned the calculation of the lower discount according to twelfths[102].

[102] The *unciae usurarum nomine* in l. 47. § 4. D. *de administr. et peric.* (Dig. 26. tit. 7. l. 47. § 4.) were certainly a lower interest than the *centesimae:* the difference was balanced by the guaranty of the tutors. One per cent, however, is so perfectly insignificant, that we do not see why the testator stipulated for it, if he only cared to secure the principal of the minors: but the difference between the actual discount and the uncial rate of interest according to my explanation gives a rational delcredere. *Unciae* is in the plural on

An interest of one per cent and afterwards of a half, is as absurd with regard to the capitalist, as one hundred per cent is extravagant for the debtor. Respecting the reduction Livy says[103], that even after it was made, a great part of the commonalty was still suffering, but that the distresses of individuals were considered of less importance than the respect which the state owed to property. For the same law ordained, that all debts should be paid off by four instalments within three years. And how could it have been regarded as a relief, if the arrears of the principal not yet paid off were lent at a half instead of at one per cent?

It has been said, that the establishment of a rate of interest, upon which no one would put out his money, might be considered as a symbolical disapproval of usury, and not as a law seriously meant. But what kind of a proceeding would that be, to choose first one per cent for this object: then ten years afterwards to reduce it to a half, in order to give greater emphasis to the expression: and after four years more, to speak the word out at length, and forbid usury altogether?

The laws were literal, like others; they were entrusted to the protection of the curule ediles[4]. The people itself acted as judges in accusations, and three years after the rate of interest was reduced to half an uncia, they past a severe sentence upon usurers, who were accused before them.

The unit, of which the uncia, and a few years afterwards the half uncia, was the lawful interest, is without doubt only to be lookt for in the principal, and not for the month but for the year[5], and indeed originally for the old

account of the annual payment. I give this as an explanation by the way, otherwise I care little about the idioms of the language in the third century.

[103] Livy, VII. 27.

[4] See note 69.

[5] After the present investigation publisht in 1812 had met with approval, it was remarkt, that Stroth had likewise explained the uncial rate of interest as referring to the principal and the year. If

cyclic year of ten months. If the interest was then 8⅓ per cent for this year, the uncial rate of interest was ten per cent for the civil year, and the half-uncial five per cent: a standard, which does not differ from what we find in all times and countries: for three and twelve per cent are the limits on which persons can afford to lend or borrow money: the latter is customary, where capital is monopolized by a few persons, strangers to real industry, where business is scarce, and the value of productive property as an investment for capital is very low; the former, when the contrary is the case. By this supposition all internal difficulties disappear: and nothing is more natural to suppose than that the principal was the unit, and one year the term of debts. Of monthly settlements of accounts there certainly is not the slightest trace in early Roman history: while on the contrary the instalments distributed over years, which were fixt by the tribunician laws of the years 383 (388) and 403 (408), and brought forward in the proposals made during the great commotions in the sixth decad of the fifth century[106], rather point out to an annual validity of debts. It is also suggested by the instalments for paying off a dowry, which was payable in three cyclic years[7]. So also it was the custom in the sale of olives and of grapes on the tree, and also of wine in the cask, to stipulate for the payment, as a

this remark had not been made, I should probably have no more lookt into Stroth's Livy, than I had thought of its existence up to that time. The thing is correct: but that Stroth does not think of the year of ten months, is a matter of course; moreover he gives no proof any where, and the supposition set forth in this way could not of course become establisht. This explanation of the difficulty may have occurred to many a sound mind, as both the other hypotheses lead to absurdities.

[106] Rhein. Museum, II. 4. p. 592 foll.

[7] Polybius, XXXII. 13. In all payments of the dos by means of instalments in the early times we cannot think of other years, although the common years were afterwards substituted.

debt, after ten months[108], and for this reason I take the amount of the uncial interest for twelve months to be 10 per cent, and not $8\frac{1}{3}$. This would now be certainly beyond all doubt, if a passage of Festus[9] were complete. For in this fragment, at the end of which a few words are wanting, mention is made of the tenth part of the principal: but a relation between this and the uncia can only be conceived of with reference to the year of ten months. It seems to me that the most probable mode of supplying the deficiency is, to regard the interest as the subject of the lost passage, and supposing that Sylla, who restored the old forms in every thing whether advisable or not, wisht to renew the old laws of usury, to supply some such words as: *sortis annuis usuris penderent.* For here the civil year would be spoken of. If we should suppose, that the paying off of the principal by instalments and without interest was meant, the same relation to the cyclic year would still exist. But so great an indulgence — greater than the tribunes ever shewed — was certainly foreign to the old patrician spirit of Sylla. To give a third and different interpretation with any appearance of probability, is, I think, quite impossible.

That the Roman rate of interest was at one time a twelfth part of the principal, seems also to be shewn in an exceedingly clear manner by the punishment inflicted upon the guilty party in cases of divorce, though the same change into the common year mentioned above in the instalments for the payment of the dowry, makes the uncia in this case also refer to the latter, and no longer to the cyclic year. Ulpian says[10], that the woman for gross mis-

[108] Cato, de re rust. 146—148. That the yearly pay of the knights was also calculated by the year of ten months, has been already remarkt. (Vol. II. p. 442.)

[9] Festus, s. v. Unciaria lex dici coepta est quam L. Sulla et Q. Pompeius tulerunt, qua sanctum est ut debitores decimam partem . . . . . .

[10] Ulpian. Tit. de dotib. § 12. 13. (VI. 12. 13.)

demeanour was punisht by the loss of the sixth part of her dos; and for lesser offenses by the loss of the eighth: the husband was punisht in the former case, by being obliged to repay it immediately instead of by three yearly instalments; and in the latter, by instalments of six months. Now if it be supposed, that the punishment was intended to be equal for both parties, and that consequently the husband should lose as much in interest as the wife lost in principal, the result at the first glance would be the yearly rate of interest of a twelfth in the former case: and in the latter not less, if it be allowed, that the expression *senum mensum*, which is not illustrated by any parallel passage, permits the interpretation that the first instalment was due immediately, and the two following at intervals of six months[111].

A general liquidation of debts was intended by the

[111] For in the first case the husband loses in yearly interest $\frac{1}{3}+\frac{2}{3}+1=2\times 8\frac{1}{3}=16\frac{2}{3}=\frac{1}{6}$ of the principal; in the second, according to the explanation above, $\frac{1}{2}+\frac{1}{2}+\frac{2}{3}=1\frac{1}{3}\times 8\frac{1}{3}=12\frac{1}{2}=\frac{1}{8}$ of the principal. It does not belong to this calculation, but it is not to be overlookt, that the injured party *gained* just as much as the guilty *lost*.

Professor Schrader of Tübingen, whose natural love of truth caused him to receive with favour the investigations of this history even at their first appearance, when unrecommended and disturbing the opinions of many, declared himself in favour of the essential part of the above explanation, in Hugo's Civilist. Magazin, vol. v: only he thinks that *senum mensum die* must be understood of a single payment at the end of six months. The result is the same: the party punisht loses $\frac{1}{3}+\frac{2}{3}+\frac{2}{3}=\frac{5}{3}\times 8\frac{1}{3}=12\frac{1}{2}=\frac{1}{8}$ of the principal. My inclination would decide me in favour of the explanation of a friend, but I cannot get over the *seni menses*: and I find on the other hand no difficulty in the singular *die*.

It is again the friendship of Savigny, that has led me to this passage of Ulpian. At first he had expected the discovery of an ancient rate of interest in the passage, but he had included the compound interest in his calculation, by which the result became confused and unsatisfactory. I may state publicly, that my explanation perfectly satisfies him: and I repeat, that accurate agreement in all numerical calculations must every where be recognized as the most conclusive proof, just as the *nearly* is quite intolerable in such matters

beneficent legislation of 403 (408)[112]: which presupposes, that the payment of debts without any previous announcement became due at the end of the year. Here also appears the dear name of a Valerius. P. Publicola, and his plebeian collegue C. Marcius Rutilus, allowed the people to elect five commissioners, two patricians and three plebeians, for a general liquidation of private debts (*quinqueviri mensarii*). The debts of him, who was unable to pay ready money, but could give security to the state, were discharged by these commissioners by advancing money from the treasury: if he preferred giving up property, it was valued and given in payment to the creditor. Such roundabout ways were necessary in order to make property answerable for debts: it is not less worthy of notice to observe, how rich the treasury had become since the Licinian law. Livy's important observation, that this mode of satisfying the creditors by property instead of by money rendered a new census necessary[13], since it changed the ownership of many things, has been already examined in another place. To take this census C. Marcius, who had first obtained for his order the splendour of the dictatorship, and in whose first consulship the uncial interest was restored, was appointed as the first plebeian censor, not without great opposition on the part of the patricians; and this too in a year, in which the efforts against the Licinian law had not been without success.

When the rate of interest was reduced in the year 403 (408) to five per cent, a term of three years was granted for paying off the principal; and here one must again think of cyclic years. One fourth was to be paid immediately, and the remainder by three equal instalments[14].

One of the successive reductions in the weight of the ases, though perhaps not yet the one, by which they came down to four ounces, may, as one of the easiest means to relieve the debtors, certainly be placed at a time, when

[112] Livy, VII. 21. [13] Livy, VII. 22. [14] Livy, VII. 27.

so many efforts were made to save them. But all this was only of use to those who had property: those who were quite impoverisht, were not helpt at all: and it was this distress, which rendered possible the outbreak of the insurrection of the army in the year 408 (413): a mysterious occurrence without its equal in the narrative, which Livy preferred among many others. It has often happened that nobleminded sentiments, quite disinterested and benevolent, have produced commotions, which have opened the door to the worst evils and led to ruin; and it is one of the very rarest and happiest of chances, when they do not escape from the control of their authors and plunge them into misery and repentance. In the same way it has very often occurred, that from the ferment of sad and evil times a state of things has arisen in the end essentially better and full of true happiness, contrary to the wish of those who had the rule at first: of the latter as well as of the former change, Roman history affords examples. But that an undertaking, which was begun with the most hellish thoughts of darkness, should in the course of a few weeks, perhaps of a few days, have become changed into the power of producing good, this sounds indeed mysterious and without example.

According to that account, the affluence and luxuries of the wealthy city of Capua and of the surrounding Campanian towns awakened in the Roman legions, who lay in garrison there in the winter of 407 (412), the horrible temptation of murdering or subduing the inhabitants, and then of founding a new state, as the Sabellians had formerly done with the citizens of Vulturnum.

When the consul C. Marcius Rutilus came in the year 408 (413) to the army, this intention, it is said, had ripened into a complete conspiracy. In order to divert them from a hasty attempt, he spread the report that the troops were to remain the following winter also in the same quarters: then quietly watching the mutineers, he took advantage of every opportunity, either to dismiss the ring-

leaders from the army as having served their lawful time, or to give them leave of absence to go to Rome on their expressing the slightest wish, where they were detained by his collegue Q. Servilius Ahala. For a time the device succeeded: but the soldiers came by degrees to suspect it, as none of their comrades, who had obtained leave of absence, returned to the camp. Lautulæ is the pass east of Terracina on the road to Fundi, between the sea and the mountains: here on the Roman road[115] a cohort made a halt: it was joined by those, to whom the consul had given leave of absence separately, until their number grew into a strong army[16]. The consul himself and the army, which after all these dismissals must still have remained with him, Livy entirely loses sight of. This army without a plan and without a leader marcht from Lautulæ towards Rome. But perceiving that they wanted a head, they resolved to fetch for this purpose some noble lord by force, as the peasants fetcht Götz. In the Albanian district there was an aged patrician T. Quinctius, lame of one foot, who had retired from public life after glorious campaigns[17], and was living on his estate. This they attackt by night and forced him by threats of death to undertake the command. He was thereupon saluted as general, and invested with all the honours of this dignity. They had pitcht their camp eight miles from Rome[18], and were on the point of marching against the city, when they heard, that

[115] Near the so-called Epitafio: is there a warm spring there? The name Lautulæ would lead us to conclude so.

[16] What incredibilities! Would the consul have given leave of absence to whole cohorts, so that they could return home under their banners in the face of the enemy, and to so many individuals, that an army could grow out of them?

[17] The annalists probably thought either of the consul of the year 396 (401) (T. Quinctius Cincinnatus), or of the consul of the year 399 (404) (T. Quinctius Pennus).

[18] Consequently on this side of Bovillæ, at the beginning of the hills.

an army was advancing against them, commanded by the dictator M. Valerius Corvus.

The armies were arrayed against each other, prepared for the first civil battle; but now a sorrowful yearning after reconciliation became strong in the hearts of all. The dictator, with a disposition becoming a man of his family, offered peace: on the advice of their general the rebels also resolved to trust themselves entirely to a Valerius. With this consolation he returned to Rome, and upon his proposal, and in pursuance of an ordinance of the senate, the citizens granted in the Petelinian grove impunity and a general amnesty to the soldiers; and also promist the dictator never to reproach any of the guilty party with the insurrection either in joke or in earnest. Hereupon it was accepted, and an oath was taken, that no soldier should be struck out from the muster-roll against his will, and that no one, who had already served as tribune, should afterwards be appointed captain *.

The first law must have had for its object, at least chiefly, to enable the soldiers to continue under the banners as a means of protection against the prosecutions of creditors, and to prevent an unfair consul from sending a soldier home, that he might be seized by his creditors. Yet it may be that even the agrarian law had made unblemisht service during a certain number of years, the condition upon which assignments of land might be claimed. The second is said to have been aimed by the rebels at an officer L. Salonius, who had kept himself clear of their crime: he had been tribune and leader of a maniple in alternate years: the latter a man could only be alternately, because the command must every other year belong to the Latin centurion. Now one must believe according to Livy, that the army demanded, that whoever had once been tribune, must either hold only this rank or else be a common soldier. They did not therefore demand liberation from

* Ordinum ductor. Livy, VII. 41.

military service or from the service as knights. The opinion, that their demand arose from hostility to Salonius, is assuredly one of those numberless errours, which hit the very contrary to the truth. It is clear, that it was the people themselves, who chose him every other year among the six tribunes they had to appoint; and one can easily conceive, that it was not allowable to appoint the same person every year. But the consuls were probably not limited in this way: they had the nomination of the greater number, just as they undoubtedly appointed the centurions. But a centurion was properly speaking not an officer[119], and he who had already been a tribune, was therefore not less mortified at being rankt with a centurion, than the latter was at having to perform the services of a common soldier. If therefore chivalrous pride—not to speak of patrician pride alone—placed in a lower rank him who was chosen tribune in the former year, it is clear how such a proceeding would arouse the soldiers on behalf of a man, who had sprung upwards from their ranks by his services. Sprung, not risen; for gradual promotion through a succession of military ranks was unknown to the constitution of the Roman army, and this was not the least cause of its excellence: whoever had wings mounted quickly.

Whether the demand, that the pay of the knights, which was three times that of the infantry, should be diminisht, met with success, remains undecided according to Livy's words: but if it were granted, the old regulation must have been restored afterwards: as we find it still existing in the days of Polybius[120]. And in this case Livy is evidently thinking of an insurrection of the whole army; the mutineers therefore sought to revenge themselves upon the knights, because the latter had refused to take part in their insurrection[121].

[119] The primipilus in later times was scarcely one.

[120] Polybius, VI. 39.

[121] For the history of the whole affair see Livy, VII. 38-41. Ap-

And with such insignificant results ends, according to Livy, an insurrection said to have been hatcht by malefactors, without any mention, I will not say, of Capua, but of such advantages, as the veterans subsequently claimed, as if due to them almost by the laws of nature: it ends with the removal of a few grievances, which are ridiculously insignificant compared with the ancient ones of the whole plebeian order, and the repeal of which was obtained with forbearance and without ever disturbing the peace. What is evil in its root, becomes poisoned deeper and more venemously, the longer it is ripening: of this the later history of Rome bears witness as eloquently as any period of modern times. And here, after a horde of robbers had been deprived of its prey, after it had in its fury at this disappointment—for of nothing else does the history say a single word—appeared before the gates of the capital, it is said to be moved to repentance and become pacified, after having had the satisfaction of causing grief to those who had refused to take part in an undertaking, of which they themselves were wearied and ashamed. More than this, we must remember that this satisfaction was the condition of their submission: had it been refused, their insurrection would have continued, *without any object at all.* If this is history, then a fairy tale is more intelligible and rational.

There is evidence, however, that laws of far greater importance than those military ones resulted from the insurrection. Dionysius, accustomed to Greek occurrences, has as little difficulty here as in the first secession of the commonalty, in saying, that the canceling of debts was granted. This statement is supported in the main by a work, composed indeed at a late period, but from peculiarly genuine

pian (Bell. Samn. 1.) knows nothing at all of the military grievances; he relates the whole occurrence from the beginning of the conspiracy against Capua, as a consequence of great distress and debts, to which alone he makes the conciliatory treaty refer.

and ancient materials[122]. Whether the measure be unconditionally condemned or excused, there is nevertheless here an end and an object, and a connexion with what Dionysius adds concerning its origin, who otherwise agrees with Livy in regard to the history of the insurrections. The debts by which they were oppressed brought, it is said, the soldiers to despair; and the prospect of being delivered up to their creditors on their return to Rome[23]. On their march towards the city they are said to have set free the field-labourers, who worked in chains, consequently those who were in bondage for debt: whereby they were increast to twenty thousand; a number, which would be uncertain enough, if we read it in the annals written in the year of the occurrence, but which deserves no belief at all, when handed down by Dionysius, who is always credulous or careless in regard to the numbers of the Roman armies.

At this time also loans on interest are said to have been forbidden by a plebiscitum[24]. Such a measure may have been required by the simplicity of the times, and it may have been necessary to grant it, till time taught another lesson. But the law to this effect, which had a legal existence about the middle of the seventh century, though in point of fact it was powerless[25], cannot have existed as early as the year 408 (413): the general prevalence of debts about 455 (460) with their ruinous consequences could not have existed without usury, nor could they have been protected merely by a crafty evasion of its clauses: and the Nexa, which continued down to the Pœtelian law,

[122] The work *De viris illustr.*, founded according to the extremely happy conjecture of Borghesi upon the elogia inscribed on the statues of celebrated men in the forum of Augustus, c. XXIX: *sublato aere alieno seditionem compressit.*

[23] Appian, Samnit. Also the work de viris ill. c. XXIX: *cum ingens multitudo, aere alieno oppressa, Capuam occupare tentasset.*

[24] That such a law was past, is confirmed by Tacitus, Ann. VI. 16.

[25] As is shewn by the catastrophe of the pretor Asellio.

were probably not occasioned by mere services. The law may however have been repealed, especially since the abolition of usury led to it; and experience in general also taught, how true was the fable of Agrippa Menenius.

But some salutary laws were past at this time besides this one, which could never be carried into effect. A small number of powerful nobles had obtained almost exclusive possession of the consulship, and one man was accustomed to hold it four or five times at intervals of one or a few years to the injury of the general freedom: and if they were plebeians, as indeed C. Marcius himself and M. Popillius obtained the consulship four times, they prevented the extension of the nobility in their own order. There was a still worse abuse, which no law had guarded against up to the present time; to wit, that ever since several curule dignities had existed, the same person had been accustomed to hold them together. It probably occurred most frequently, that the patrician consul was at the same time invested with the pretorship. It was now ordained, that no one should be allowed to receive the same magistracy again till ten years had elapst, and that no one should receive two different magistracies at the same time.

There are indeed appointments even a short time after, which seem to be contrary to the first law: and they become almost more frequent towards the middle of the fifth century, until they cease altogether after the last secession of the people. But as a general rule, when the same name appears again in the fasti, ten years at least have elapst since the last consulship: and those consulships, which recur at shorter intervals, are usually assigned to men, whose greatness was a support to the republic. These were without doubt expressly exempted from the law. In the case of Q. Fabius Maximus it is expressly mentioned[126]: this privilege was granted by a plebisci-

[126] Livy, x. 13.

tum[127]: in the case of C. Marius also it was a personal distinction: in the war with Hannibal the enactment was suspended by a general law: the people itself was obliged to relax the laws, which had been establisht as a defense against the oligarchy. One may also suppose, that a man thus distinguisht was not exempt merely for one election but altogether, since we find in the fasti that the exception is usually repeated in the case of the same person.

At the same time it is said to have been declared by a plebiscitum, that it was lawful to elect both consuls from the plebeian order[28]. Now this may perhaps have disappeared as a rogation not ratified by the senate and burghers; but if such were not the case, it shews a wonderful wisdom in the leaders of the plebeians, that they did not make use of such a right guaranteed to them by the laws. On this supposition they would have perceived, that a strict division of the power between the two orders was the fairest constitution in the circumstances of the nation at that time, and that the preservation of this division was the only protection against a rapid transition to a destructive democracy.

The patricians seem to have undoubtedly lost their right to the exclusive possession of one of the places in the consulship before the year 533 (538): for at that time there only existed a religious scruple against two plebeian consuls: the electors had appointed them[29]. Forty-three years later these entirely plebeian consulships begin, and follow one another very frequently; at that time the original distinction between the orders had fallen altogether into oblivion in consequence of the large number of the plebeian nobility, and the patricians themselves cared so little about it, that it was one of their body, who presided at the first election of this kind[30].

At first indeed, and even for a considerable time after

[127] Livy, x. 13.
[28] Livy, VII. 42. Zonaras.
[29] Livy, XXIII. 31.
[30] L. Postumius Albinus: Livy, XLII. 9.

these contracts, they can lay no claim to the praise of voluntary moderation: for what was won in days of agitation and terrour, is quite a different thing from what was suited to existing circumstances in ordinary times. If the patricians had not at that time sufficient strength and influence left them to preserve one place in the consulship, they probably would not have been able to procure both by arrogance and intrigue. This abuse was then, to all appearance, finally put an end to: for from that time the Licinian law respecting the consulship was never broken again. Attempts indeed still occur: interreigns, as those of the years 415 (420) and 422 (427), are only to be explained in this way: there were some patricians even afterwards, who had been sleeping all the time, and in their dreams demanded of the great Q. Fabius, that he should reject the plebeian candidate for the honour of their order: and Appius the Blind, who never let an opportunity pass of giving vent to his insolence, wisht to prevent the election of any plebeian consul: but this after all was nothing but sheer insult, and he yielded to the earnestness of the tribune of the people[131]. The law may therefore on this occasion have been enforced by new sanctions; its transgression may perhaps have been punisht with death, and thus have been placed on an equal footing with the crime of creating a magistrate without appeal[32]. If it be objected to this supposition, that neither Livy nor Dion[33] mentions such a law among the others relating to the elections of magistrates, which the republic owed to this storm, the improvement may be regarded as the result of the events: but it cannot be disputed, that from this time forward things became quite different.

If we may consider it probable, that the legislation which was based upon one principle proceeded at this time from one author also, like the Licinian, the Duilian,

[131] Cicero, Brutus, 14 (55).

[32] See Vol. II. p. 369.

[33] Zonaras, VII. 25.

the two Publilian, and lastly the Sempronian and that of Drusus, we are reminded by the name of L. Genucius, whom Livy mentions as the proposer of the rogation against usury, of that tribune, who was assassinated for his faithfulness to his duty*. If so, an avenger arose from his blood a hundred and thirty years afterwards, who appeased his manes by finally establishing the plebeian freedom.

But how did he succeed in controling the wild powers for the good of the republic? This no man could have done, if the insurrection had begun and proceeded in the way that Livy relates: but one may conceive, how it might have happened, from another account, which Livy rejected: probably because it was stated only in brief outlines in the earliest chronicles, which gave no more than they found in the records of that unlettered age: whereas Valerius Antias and his like presented on the contrary circumstantial accounts. If we possest all the ancient annals, the historical truth could not be doubtful here.

According to this other account, the insurrection did not at all begin with the army, but broke out in the city and formed itself into a secession. This may not indeed have had the character of thoughtful calmness, which graces the earlier emigrations of the people. The malcontents took up arms: it is strange, that here also a patrician is named,—it was C. Manlius, it is true,—whom they dragged from his house by force, and took with them from the city as their captain. They then marcht to a camp, which they occupied at the distance of four miles from the walls. Now here they must have been joined by the army from Campania, which left the war to the allied Latins. There must be some historical ground for the mention of the cohort, which is said to have revolted at Lautulæ: it was doubtless stationed there as a permanent post, in order to protect and keep open the road from

* See Vol. II. p. 209.

Campania to Latium. Fragments of true history, but which cannot be turned to account, may also be preserved in other circumstances. No dictator is said to have been appointed: the consuls led an army against them. But when both armies were advancing to the battle, the consular one welcomed the insurgents; the men of both stretcht out their arms and embraced one another with tears. One might almost recognize in this account a last useless attempt of the patricians, to compel their clients to oppose the free people. When it became evident, that force was impossible, the consuls were obliged to make up their minds to propose in the senate a reconciliation with the people.

In preferring this account, I do not at all mean to say, that I consider it trustworthy in all points; nor do I in consequence of it doubt the dictatorship of Valerius, of which the laws must have afforded evidence[134]. But this I believe without any hesitation, that the insurrection arose in the city from the ordinary quarrels of the forum: and accordingly one can very easily conceive how it was, that the tribune did not lose the management of the sedition, when it had become fiercer than any previous ones; and that by relieving the distresses of the poor, he induced them to help their country. Of the criminal plots against Capua there is not a single mention: and we are certainly entitled, nay forced, to reject altogether this imputation as a false and malicious charge. The same spirit, which scorned the Licinian laws as the offspring of female vanity, certainly did not scruple to represent the establishment of these as the fruits of the machinations of a horde of robbers.

[134] The inscription on the statue of M. Valerius Corvus, which Borghesi has publisht (Giorn. Arcadico, 1.), belongs to the proofs, which shew that he had obtained this honour. I remark by the way, that in this inscription *immani* seditione should be read instead of *inani*, and *descisse* instead of *descissas*.

HISTORY OF THE WARS FROM 384 TO 406.

THE wars of this period prove, that the Licinian legislation freed the republic from pernicious fetters, which had kept her in deplorable and wretched weakness. Hitherto it has been only the internal struggles of life to break through this deadening restraint, which were worthy of attention; from this time begins the development of Rome in her call to rule over the nations. Complaints concerning the oppression of the taxes die away; the impossibility of paying them has vanisht, because the republic has returned to the full enjoyment of her rich possessions[135]: no opposition to the levying of troops is heard of, but on the contrary dissatisfaction, when the soldiers are dismist from the colours against their will; so quickly had the nation become fond of war, so rich was it in warlike virtues and soldiers, from the time that every one had acquired the power of gaining the place due to him and a free farm.

We must not be misled, when the historians speak, as if the Gauls had come down for the purpose of making war against Rome: the chronicles had confined themselves to the still very limited circle of domestic occurrences, and the carelessness of later writers overlookt the general fate of Italy. The Gauls however did not seek Rome, distant many days' journey from their own home, and divided from

[135] That these complaints so full of despair before the agrarian law of Licinius now die away, shews sufficiently, that the tax for the occupancy of the public land was not restored before this law.

it by other nations, but they laid waste *also* the Roman territory and Latium in the course of those desolating wanderings, by which they penetrated into the most distant districts. Probably these were usually undertaken by swarms of new immigrants, whom the tribes already settled induced to go further, that they might not be obliged to share their own settlements with them, and whom some of the most warlike among the old settlers accompanied. This migration is the first stage in the ruin of Italy's original prosperity: only a little later than the beginning of the internal devastation of Greece, and almost contemporary with the destruction of Sicily and Magna Græcia, from which they have never recovered. By means of these the conquests of Rome were unquestionably prepared and rendered easier: far around all must have been weakened and exhausted, and many nations were subject to the Gauls[136]. It is repeatedly stated that they invaded Campania, nay even Apulia: and if Dionysius concluded a treaty with them[37], it must have been at the time when they had penetrated into southern Italy[38].

Twice during these years was Rome affrighted at the approach of the Gauls. These dangers, and how they past over, are mentioned by Polybius also[39]: but one can hardly persuade oneself, that his narrative and that of the Roman historian record the events of the same war.

After they left Rome, the Gallic tribes in Italy, according to Polybius, were prevented from extending their conquests, partly by internal wars and partly by the attacks of Alpine tribes: circumstances, which by their continuance seem chiefly to have saved the rest of Italy. According to him, they appeared unexpectedly with a great army before Alba in the thirtieth year after the taking of Rome[40]: the

[136] Polybius, II. 18.

[37] Justin, XX. 5. The mercenaries, who served him, might have been obtained from the colonies, which he had founded on the Adriatic sea. [38] Ol. 102. [39] II. 18.

[40] According to his calculation, which places the taking of the

Romans, cut off from the help of their allies, lockt themselves up within the walls of the city. Of a second expedition, twelve years later, and consequently in the year 401 (406), the Romans received timely notice; and together with their allies they waited for the enemy in the field. Quarrels arose among the Gauls, and they retreated with the appearance of a flight.

Livy in mentioning these inroads ascribes victories to the Romans, by which the Gauls were driven back. Here one cannot help suspecting, that these victories are only the offspring of vanity: but the narrative, clearly distinguisht from the legends connected with it, though it may also be embellisht, is in substance altogether of the same kind as the other parts of the history, with which it is interwoven, and which are worthy of all belief. The unconditional confidence, which is due to Polybius in the times near his own, cannot be extended to so early a period, respecting which he could only seek for information in the annals, and might easily overlook the events of a whole year, as he appears to have done with the dictatorship of the year 391 (396). His prejudice, that Fabius always exaggerated in favour of the Romans, made him at least inclined to think an account more genuine, in which Roman victories disappeared, even if we suppose that he did not reject them through this belief.

The Roman heroic lays sang of a single combat, in which the Roman youth C. Manlius overcame and slew a giant, who had insultingly stept forward from the Gallic ranks and challenged a Roman knight: he was a giant in the truest sense of the word in legends and poetry, and not merely a man distinguisht from the ordinary race of mortals by his bodily size. The Roman champion — so runs the legend — nimbly avoided the mighty stroke of his adversary's sword, pusht upwards with his own the lowest rim of the great Gallic shield, stept behind it, and thus

city in Ol. 98, 1, that is, 394: according to the corrected chronology, 389.

protected attackt the monster with his sword. He pierced him through his side and belly; so high did the giant rise above him like a rock: and when he fell, the corpse covered an immense space like that of the Homeric Ares. The victor won the golden necklace of the slain, and from it the surname of Torquatus[141].

For this combat the annalists sought a year and a spot: and when some one had placed it in the year 388 (393) during an invasion of the Gauls, in which the Anio had separated the two armies, this statement gained historical credence[42]. Yet Livy owns that Licinius Macer said, that the dictator had been appointed that year for the comitia only, and only conjectures that he was the general in the Gallic war[43]: which according to his own account past off without any feats with the exception of that single combat.

The Gauls marcht through Tibur into Campania. That town, with which the Romans were then at war, did homage to the formidable hosts, or purchast their services. In the following year 389 (394) they came back to Latium. The eastern districts were laid waste even up to the walls of Rome: they appeared before the Colline gate, through which twenty-five years before they had forced their way into the city. A consular army watcht Tibur: all the other Romans able to bear arms awaited

[141] This is a faithful copy of Livy's narrative. Here again his poetical mind shews its reverence for the ancient legend, carefully setting forth its poetical features, and not in the least attempting to cut it down to a historical possibility: as had been done two generations previously by the annalist Q. Claudius, whose most vapid narrative Gellius copies with affected admiration (IX. 13).

The early poetry of all nations speaks of giants: they are not merely phantoms of the north. Even the heroes of the Iliad are alluded to as giants: though not introduced to the reader as such, which Quintus, certainly after the example of cyclic poets, does very coarsely.—In the Odyssee the heroes are of our race: Polyphemus despises the dwarf Odysseus, who is carried away by the gigantic ram of the monster.

[42] Livy, VI. 42.

[43] Livy, VII. 9.

the enemy under the walls. After a long and very bloody battle, the Gauls driven back rather than conquered, retreated towards Tibur: before they reacht it, the consul Pœtelius attackt the irregular host, and completed the victory. The consular fasti too bear witness to the consul's victory.

The Gauls probably returning from an expedition into very distant parts of the peninsula,—like the Cimbri, who wandered about conquering and were driven back, sometimes by resistance, sometimes by hunger,—came in the second summer 391 (396) through the Prænestine territory as far as Pedum, into the country which had formerly been the constant scene of the war with the Æquians. In this threatening danger Rome and Latium renewed their old alliance. C. Sulpicius, one of the great generals of his age, establisht his army in a fortified camp, which the Gauls did not venture to storm. He wisht to wear out and weaken the enemy; but his soldiers murmured at the inactivity, and forgetful of their obedience demanded to be led out to battle; and their impatience brought on the danger of an irregular fight. This battle, when granted at length, justified his hesitation: for the day was only gained by despair and a stratagem, after the legions had been already driven back towards the camp. Some baggage-servants, mounted on the sumpter-horses of the camp, and led by a few troopers, appeared to the Gauls as a numerous body of cavalry, which threatened their rear. Thus deceived they fled into the woods, whither they were hotly pursued. The truth of the victory is attested by the record of a triumph: and by the dedication of the money gained as booty, which was walled in on the capitol.

Nine years elapst, before Latium and the Roman territory were again visited by the Gauls in the third consulship of M. Popillius Lænas 400 (405). Terrour again went before them: the consul drew near with great caution. He chose for the situation of his camp a highth difficult of access, and the triarians immediately began

throwing up entrenchments, while the remaining cohorts stood in battle array. The Gauls rusht up against them, but were driven back into the valley. A wound of the consul, and the fresh multitude, which met the Romans in their pursuit, made the battle doubtful. The wound was not slight: Popillius was laid up with it long after the victory: yet he returned to the battle after having it drest, and a new effort scattered the thick hosts. They threw themselves into the Alban mountains, whose desolation offered them a safe place for a camp, as the lonely Apennines did to Radagaisus and the Goths[144]: for otherwise the tops of the mountains and hills in Latium were occupied by fortresses and castles; they relinquisht their camp to the victors, who did not pursue them further. They were however still unconquered, and during the winter made inroads down into Latium. L. Furius Camillus, as excellent a general as he was a dangerous citizen, had as consul the glory of bringing this war to a close. So long as the Gauls held the mountain, he would never have dared to let such an enemy remain in such a position between himself and Rome, nor to march into the Pomptinian district, whither the enemy had probably descended, while the general danger united all the people of Latium, and the Volscians too, with Rome. Even at such a time the pride, which despised the rights of the plebeians, could offer insults by acts of arrogance[145]: but all kept together. Half of the four legions, which L. Camillus led against the Gauls, were undoubtedly formed of Latin centuries[146].

[144] It has not perhaps been remarkt, that the Monte Sasso di Castro above the Mugello probably still preserves in its name the recollection of the Gothic king having encampt there: the country renders this quite probable. (The name, which was not fully written out in the manuscript, has been made up by conjecture.)

[145] Livy, VII. 25.

[146] That each legion consisted of 4200 men, is the unfortunate addition of an annalist, in accordance with the state of things in his own time; ten legions may probably have been formed; eight half Ro-

When the armies met, the young M. Valerius Corvus slew in single combat a Gallic warrior. The account of this contest too is poetical: a raven sent by the gods settled upon the helmet of the Roman, flew as often as the combat began into the face of the Gaul, and tormented his chosen prey with his beak and the strokes of his wings[147]. When the conqueror was taking the spoils, the Gauls who stood nearest tried to prevent it; and thus a fight arose, which became general and ended in a battle. On this day the Gauls did not resist long: want during the winter had already overcome them. They fled, says Livy, in disorder through the country of the Volscians to the Vulturnus; and thence a part proceeded to Apulia. But it is impossible, that an army in flight and disorder should have been able to pass through the Sabellian districts; and we can the less believe in a defeat of the Gauls, as no mention is made of a triumph of the consul. The account of Polybius has been already given. But it was equal to the most brilliant of all victories to have compelled the Gauls to such a retreat, that they did not attempt to renew their undertaking: for it is certain, that they never entered Latium again. Hence Lucius Camillus might even in distant countries be renowned as the conqueror of the Gauls and the saviour of Rome, and so he was called by Aristotle himself[148]. His campaign falls in the third year of the 108th Olympiad, at which time the philosopher lived at Pella.

Thus the Romans had for a long time rest from the Gallic wars. In them they had, as Polybius says on a

man and half Latin, and two Roman as a reserve. The population in the course of thirty-five years, and by the formation of six new tribes, may have been fully restored.

[147] The prayer of Valerius (Livy, VII. 26) is rhythmical: si Dívus, si Díva es, quí mihi praépetem misisti, voléns propítius adésto.

[148] Plutarch, Camill. c. XXII. p. 140. foll. It was not Aristotle that was wrong, but those, who believing in the story respecting Marcus Camillus wisht to set him right.

later occasion, become accustomed to be cut to pieces, and from them they went forth into all the Italian wars as perfect warriors[149].

I have spoken of these wars first, because all the others are insignificant in comparison with them: the former were for existence[50], the latter only for dominion. If chronological order had been followed, the war with the Hernicans ought to have been mentioned first in this period.

They had abandoned the Roman alliance, or perhaps only refused to submit to the assumptions of Rome, immediately after the taking of the city[51]. What occasioned the war is not mentioned: the dictator L. Manlius had sought it[52]: external wars strengthened the power of the senate and the patricians. Still the command was entrusted in the first campaign 388 (393) to the plebeian consul L. Genucius. The event seemed to prove the truth of the warning, that the misuse of the auspices by the unauthorized order would bring misfortunes upon the republic. The Roman army was surprised, and its leader fell: a happy death, which saved him from the humiliations, which a hostile faction would have heapt upon his head, forgetting all sorrow for the republic in their exultation at the defeat of the first plebeian consul who commanded an army[53]. Yet the loss was not so great as the disgrace. The legate C. Sulpicius had kept possession of the camp, and had already dampt the pride of the victors by a successful sally, before Appius Claudius as dictator joined the consular army with a new force.

Thus strengthened the Romans could venture upon a battle, which still promist any thing rather than certain victory. The Hernicans were equal to them in courage and military discipline; every power they could muster

[149] Polybius, I. 6. (?)

[50] Sallust, Jug. 114.

[51] Vol. II. p. 581.

[52] Bellum Hernicum affectans, Livy, VII. 3.

[53] Livy, VII. 6.

was developt to the utmost. In the centre of their line of battle eight cohorts were stationed, each consisting of four hundred men, the flower of their youth; these served with double pay and the promise of exemption from all military service for the future, if this greatest war could be brought to a close. They fulfilled faithfully what their country had required of them: but nevertheless the army was at length overwhelmed and compelled to retreat. The Romans were prevented from following up their victory by the approach of night and their great loss; the fourth part of their own forces had fallen, and among them many of the noblest young men of the nation: for the knights had been obliged to dismount, that the flower of the Romans also might face the cohorts of the Hernicans[154]. But on the following day the Hernicans abandoned their camp; and when the colonists of Signia saw their cohorts passing by their walls reduced to small bands, they sallied out and dispersed them[55]. The next campaign 389 (394) brought all the consequences of a lost battle: the plains of the country were ravaged, and Ferentinum taken.

The Tiburtines now declared themselves for the Hernicans, probably because they felt their own danger; the refusal of a passage through their town the Romans regarded as a sufficient indication of hostility. For a time these wars vanish in a greater one, as the Gauls appeared and Tibur made an alliance with them. After several campaigns and battles, which are represented as so many victories, the Hernicans are said to have been conquered and subdued[56] in the year 392 (397): and the Tiburtines,

[154] The statement that four times three hundred knights conquered the 3200 Hernicans of the pickt cohorts, is probably not historical.

[55] *Ab Signinis*, instead of the senseless reading *ab signis*, Livy, VII. 8., is a brilliant emendation of Mr. Kreyssig, and belongs to the few, by which a fact is gained for history.

[56] Devicti subactique sunt. Livy, VII. 15.

after two of their towns had been taken and the rest were threatened with the same fate, are said to have submitted to the soverainty of Rome[157] in the year 396 (401). But both these statements are only vain exaggerations of an ancient record, that peace was concluded with them in these years. For the Hernicans very far from obeying Rome as subjects previous to the year 441 (447), received —though perhaps no longer the third part of the booty gained in war originally due to them—for this would now have been out of proportion—, yet a compensation in money[158]; and the autonomy of Tibur as a town in the community of Latium is quite as well establisht in the great Latin war, as that of all the other places in the confederacy. It had, like Prænestе, vanisht from history, from the time it was mentioned as being in alliance with Latium; and there can be no doubt, that it shared the same fate*, and during the greatness of the Æquians was subject to or in alliance with them, but had now recovered its independence. That there was a close relation between these two towns, such as is probable from this circumstance alone, and that the Prænestines took part in this war of the Tiburtines, a fact which Livy has only overlookt, may be regarded as attested by the statement, that Rome concluded a truce with the former in the year 396 (401)[159].

Velitræ, which is not mentioned again after the Licinian law, and Privernum, both Volscian towns, shew signs

[157] Ad deditionem pugnatum —: universa gens, positis armis, in fidem consulis venit. Livy, VIII 19.

[158] In this way the obscure expression of Pliny seems to be explained most correctly: H. N. XXXIV. 11. Q. Marcius—qui—capta Anagnia populum stipendio liberaverat.

* Compare Vol. II. p. 261.

[159] Diodorus, XVI. 45. The Tiburtines may easily have been overlookt: but how could Diodorus have mentioned the Prænestines, if they did not occur in the excellent sources from which he compiled his history?

of hostility at the close of the war with the Hernicans; probably because two regions of Roman citizens had been establisht in their territory, and proposals had been made to them, as afterwards to the Æquians, to become Romans. This hostility led to a war, which however I cannot believe ended in the taking of Privernum, since it appears afterwards independent and powerful.

An eight years' war, conducted with languour and without success at first, against the Tarquinians and Faliscans (from 392 to 399), ended without advantages by a forty years' truce. The former, whose power, splendour and wealth about this time are attested by the works of art which have lately been discovered, undertook the war without allies; in the first campaign they defeated the Roman consul, and took prisoners, of whom they sacrificed three hundred and seven to the gods. In the following year 393 (398) the Faliscans also took an open part in the war; the Roman army kept on the defensive near Sutrium. After this the Etruscans advanced as far as the Salines in 394 (399), after a battle in which the priests cast themselves into the ranks of the Romans with burning torches and snakes, and thus filled the latter with horrour and intoxicated their own countrymen with fanatic frenzy: the consequence mentioned above discloses the issue of the battle, although the Roman annals acknowledge only a flight at first, which they say was checkt, and turned into a victory and a conquest of the camp of the enemy.

Since the war with Tolumnius the Roman banks of the Tiber had not seen an Etruscan enemy. Now the old Roman boundaries were laid waste, together with the Veientine territory, the fairest country which Rome possest. C. Marcius Rutilus, who was appointed dictator, kept his army at first on the left bank: as often as an opportunity of chastising the plundering bands occurred, he crost the river. At length, when time and circumstances were favorable, he attackt the Etruscans, conquered their camp, and brought eight thousand prisoners from this campaign

to Rome. In the state, where every gallant deed of a soldier was acknowledged by honorary distinctions, the burghers refused to such great success the triumph, which had often been gained by insignificant advantages over the nations on the eastern frontier. For he who demanded it was a plebeian; he had conquered against their will. After a few campaigns the enemy sued for peace[160]: Rome could lay down her arms, for the outrage on the prisoners had been revenged by the execution of three hundred and fifty-eight Tarquinians.

Hitherto the annals have not mentioned a single feud with Cære, though this town on the coast must have bordered closely on the Roman territory: and the old friendship had been tested, when the priests and sacred things of Rome were received and protected by the Cæritans at the time of the Gallic calamity. Now they were accused of having taken part in the inroads of the Tarquinians, to whom they had at least not refused a passage through their territory. Rome prepared to take vengeance in 397 (402): the threatened Cæritans obtained pardon, and a truce of a hundred years was granted to them, but not, according to Dion[61], through a generous recollection of the good old days, but at the hard price of half of their territory, perhaps of their public land.

The annals of the period are lost in which this truce expired: but there can be no doubt, that Cære, at the time when all Etruria did homage to the superiority of Rome, entered into the same relation for all future time. It is mentioned in the year 542 (547) among the Etruscan tribes.

The appearance of a Greek fleet in the year 401 (406), which remained during the whole summer near the coast of Latium, and frequently landed to plunder the country, is a mystery. The Romans here for the first time fought against Greeks. Who they were and whence they came,

[160] Livy, VII. 22. [61] Dion, Fragm. 142.

was not found in the annals, and Livy's conjectures have no weight in such a matter. He guesses they came from the Sicilian tyrants: but this is undoubtedly a mistake, for the Siceliots, during these years and immediately before the arrival of Timoleon who saved them, were in a state of internal decay, without fleets, and quite unable to venture upon an enterprise on the sea, which was under the dominion of Carthage.

In the same year, in which Latium was visited by these marauders, or in the one preceding (Ol. 108. 3.), Phalæcus embarkt for Italy with the eight thousand soldiers, whom he enlisted, and for whom he had stipulated in Phocis a free departure[162]. But he did not reach his goal: mutiny compelled him to go to Crete. This time however was one of general and violent commotion in Greece: hosts every where crowded around adventurers: war fed war; the men of ruined towns and ravaged countries became soldiers, and indemnified themselves for their wretchedness by inflicting the same on other countries. Misfortune or restlessness often drove young men of the noblest families among these wild hordes; or they were forced to collect them, as was the case of Archidamus of Sparta. They were often unoccupied; and to prevent their dispersing, their leaders were obliged to undertake some enterprise, from which they might obtain booty to pay their men; but at this time the war between Tarentum and the Lucanians drew bands of Greeks to Italy. Hither came Archidamus with the remnants of the hosts of Phalæcus, and fell gloriously for Greece, although at the head of a horde of robbers. It must have been such a band taking to the sea, and probably this very one, which supported itself by plundering the coast of Latium, until it found regular service. If they were on board the vessels of a Greek state, they can only have belonged to Tarentum.

It may have had some connection with this occurrence,

[162] Diodorus, XVI. 62.

that the treaty with Carthage was renewed in the following year[163]. It seems that Polybius was not acquainted with this, and that the treaty, which he speaks of as the second, was the one of the year 442 (447). Rome and Latium could not meet attacks made upon their coasts from the sea, but the Carthaginian ships of war ruled in the sea about Lucania[64]: Sardinia and the harbours of Corsica, opposite and near to the Etruscan and Latin coasts, were in their possession, and the safety of these seas was for their own interest.

An alliance had been concluded with Samnium as early as 396 (401).: either on account of pressing danger, for defense against the common enemy the Gauls; or because the Samnites on the upper Liris were now separated from the Hernicans only by a few Volscian places.

While most places in that country had been conquered or had submitted, and those bordering on Latium, perhaps Ecetræ itself, had chosen the Roman or Latin franchise, some parts of the dissolved and decaying nation strove to preserve a separation, which they could not maintain, and which was injurious to themselves. Twenty-four years after the conclusion of peace, the Antiatans restored Satricum, which had been destroyed by the Latins, by means of a colony (402) which harast the Latins, or disturbed them in their possession of the country. It was the Latins who begged the Romans to destroy this stronghold, which took place in 404 (409). The Aurunсans, urged on by the Antiatans, now were hostile to the Romans and their allies: these were the Volscians on the Liris; and Sora, which was taken in 405 (410) in this campaign, was certainly one of their towns. These conquests were gained in common with the blood of the Romans and Latins, and

[163] Livy, VII. 27.

[64] Ol. 108. 4: 402. Diodorus, XVI. 66. They had already restored Hipponium previously, which had been laid waste. Diodorus, XV. 24.

to advance the soverainty of both nations; but if the alliance became dissolved, and Latium maintained her separate independence, it was easier for the Latins than the Romans to retain these subjects: as indeed they manifestly derived the greatest advantage from the destruction of the colony at Satricum. The relations of Rome to the surrounding people, were no longer the simple relations of a single state, any more than they were those of a member of a confederacy, but they were the undefinable relations of a nation, which is closely linked with another by alliance and oaths, the voice of which is, indeed, perfectly equal, but which is frequently led into an opposite direction by entirely different interests, and still oftener by jealousy and envy: a relation which cannot last, which is quite intolerable.

ROME IN ALLIANCE WITH LATIUM.

In what way the treaty of the year 261 granted to the Latin state independence and equality; how the greater part of it fell, afterwards, into the power of its enemies, and the remainder lost the form of a confederacy, and separately took shelter under the supremacy of Rome; how they became separated from one another after their star had set; and at the same time how, from the dissolution of the Æquian state, Latin towns which formerly had only been equal to those contained in the number of the thirty townships, again come to light as states:—all these things have been described in their proper places in the course of the second volume.

After the consulship was shared with the plebeians, Latium still contained the same isolated states, as appear after the devastations of the Gauls. Tibur and Prænestè stood apart from the others, each soverain of a district; those places, which had remained as Latins after the extension of the Volscians, must again have formed a league with one another, but still without preventing separate places, such as Tusculum, from forming an equally close connection with Rome: Antium was an entirely forein state, and so were Velitræ and Privernum also. One would seek in vain for compact territories: for Roman districts, either assigned or occupied, lay mixt among the Latin ones.

It is very doubtful whether the confederated Latins or any of their towns took part in the hostilities against Tusculum, and it is more probable that it was only the

Prænestines, and whoever may have been their allies, that did so; but however this may be, it is altogether certain that from the year 381 to 392 (397), when Latin contingents after a long interval again joined the Roman standards[165], the peaceful relation between them was never disturbed, and the expression, that peace was granted to the Latins at their request[66], is erroneous, and occasioned by the very frequent confusion of peace and alliance. It was a real treaty of alliance; and between two states perfectly equal, without Rome making any claims for an acknowledgement of her soverainty: neither of the contracting parties could prevent the other from prosecuting its rights by war[67]. And there is no doubt that the league of Spurius Cassius was merely restored again; since the general assembly of the Latins, which was held at the spring of Ferentina[68], down to the last dissolution of their state in 410 (415), was, from the time that the nation had freed itself from the dominion of Rome, a soverain assembly again, as in the third century; while, on the contrary, during its dependence on Rome, it either cannot have been held at all, or merely for the purpose of performing sacred rites. There were, it is true, no longer thirty states, as in the third century, since, besides those that had been destroyed, those also were wanting which had not yet joined them again.

The statement, that in the year in which the command belonged to a Roman general, the Latin hosts acknowledged and saluted him[69], which proves, that Rome had not the command every year, and consequently that it alter-

[165] Polybius, II. 18. Ῥωμαῖοι—τὰ κατὰ τοὺς Λατίνους αὖθις πράγματα συνεστήσαντο must be referred to this.

[66] Livy, VII. 12.

[67] Livy, VIII. 2. In foedere Latino nihil esse quo bellare cum quibus ipsi velint prohibeantur.

[68] Festus, s. v. Praetor ad portam. Vol. II. p. 31.

[69] Festus, as above.

nated, is indeed well-founded for all the times during which the treaty of Cassius was in force, as it accords with the nature of a perfectly equal alliance; but it is attested most authentically for the times nearest to those in which Cincius wrote; and, since the time of Decius, only about 150 years had elapst. It cannot be supposed that this circumstance should have been reported here, if it had existed before but had been changed just at last.

Respecting the union of the armies of the two states into one by the combination of the centuries in maniples, it is even doubtful whether this arrangement existed after the league of Cassius, although it is said to have been effected by the second Tarquin; but it certainly existed during the latter period of the league. When T. Manlius and P. Decius led their legions against the Latins, it had become so firmly establisht by a duration of eighteen years, that the meeting of the two armies resembled a civil war[170]. Centurions of each nation had the command of the maniples in turn every other year[71]. To this rotation a similar one must have corresponded in the supreme command of the army; a regulation which, at all events, was most suited to a perfect equality. Thus we must regard this statement as clearly proved in reference to the time of this last league, although it may also be true of the first alliance made on a footing of equality. It would have been no obstacle to the equality of the centuries of both nations in the maniple, if they had contained an unequal number of soldiers: but an equality of honours and advantages presupposes the greatest possible equality in the number of the contingents. This had originally been the result of the division into thirty tribes and thirty townships: and as Rome only possest twenty-five tribes when the league was renewed, the Latin towns were probably reduced at that time to the same number, and if this

[170] Livy, VIII. 8, fuit civili maxime bello pugna similis.

[71] Vol. II. p. 40.

did not suffice, the greater towns were probably required to furnish a larger contingent. To accomplish this, some communities must have been divided, or forein ones admitted, or such as were under the dominion of Rome, been assigned to the Latins. According to all appearance, colonies of the Roman republic joined Latium just at this time; though not all, for those of the early times remained, which had been establisht as an image of the constitution of the three tribes, and of which the colonists were exclusively Romans. This change is mentioned by Livy[172]; and though it may appear from his statement that the colonists only became Latins shortly before the breaking out of the war, yet it is not even quite certain that he so understood it; and if he did, it is an errour respecting the time of the same kind as many others which he commits; like the opinion, that this was a revolt of the towns, which Rome connived at through a feeling of weakness. Of Signia, Setia, and Circeii, we know for certain that they were united with Latium as colonies[173]: of Norba and Cora, in the same district, and also of Ardea, the same thing must be concluded. I do not, however, at all mean to assert hereby, that it was Rome which restored Norba and Cora as colonies after the fall of the Volscian power: this may certainly have been done by Latium after the Gallic time, or rather conjointly by both states, as the account of the colony at Setia, which represents the addition of Roman colonists to others, may possibly be a mistake for another settlement made at the same time merely as a comple-

[172] Livy, VIII. 5. Colonias vestras Latinum Romano praetulisse imperium.

[173] Livy, VIII. 3. Velitræ, which is mentioned in this passage along with Signia, must be excluded, as nothing warrants us in concluding, that the war, which presupposes the expulsion of the colony, ended in such a manner that the colony was restored. The frequent mention of the Roman colony in this town, and its incorporation with the Latin state together with the colonies, may have been the cause of the mistake.

ment[74]. Norba was a fortress in the Pomptinian territory[75]; and as the assignment of the confiscated district of Ecetræ is also mentioned as a new foundation of Signia, which was situated in these regions[76]; so, also, the assignment of the Pomptinian territory in the year 375, may answer to the establishment of the colony of Norba; perhaps, also to that of Cora. Five men were appointed at Rome to superintend this division[77]: a number that occurs nowhere else for this business, which was always entrusted to triumvirs or decemvirs; but we may safely conclude that there were five in this case, because Latium appointed exactly the same number to a decemvirate in order to transact the common business of both states. That Signia too was now a restored colony, is clear to me indeed: but even he that may not admit this, may now see explained, how this place was a real Roman colony from the beginning, and the reason why it is not mentioned like the other four places among the thirty Latin towns, and why afterwards in the Hannibalian war it stands among the Latin colonies. The latter name was retained by those which Rome ceded to the Latin state after its dissolution: and thus the reverst conclusion becomes establisht, that such places as Sutrium and Nepete, which had received their colonies before the last dissolution of the Latin confederacy, and are afterwards reckoned among the Latin colonies, served to complete the number of places. Their distant situation cannot have prevented this, for, as I have already remarkt, the territories of the two allied states lay in scattered parcels and mixt together. The service of their contingents was more important for Rome, if they were distributed among the Latin centuries and incorporated with the legions. Lavici, although originally a Latin state

[74] Livy, VI. 30, novi coloni adscripti: an earlier colony is nowhere mentioned.

[75] Quae arx in Pomptino esset, Livy, II. 34.

[76] Vol. II. p. 93.

[77] Livy, VI. 21.

and a colony, cannot be supposed to have been added to Latium at that time, simply because it does not occur among the Latin colonies: its colonists were probably incorporated in the Publilian tribe, which was formed at the conclusion of the renewed league, and the region of which must have lain in that district. The Pomptinian tribe, the second instituted at that time, must have been composed of places in the Pomptinian territory, not the marshes of this name, but the steep declivities of the hills, which the traveller who passes the marshes on the Appian way, sees on his left. Now as Arcadian places violently opposed their incorporation into Megalopolitans, so here too communities, which Rome and Latium had assigned to one another, without consulting their wishes, may not have submitted to this assumed power, may even have become avowedly hostile in consequence; and it is not unlikely that this may have occasioned the hostilities with Velitræ and Privernum[178], which broke out just in that year, 392 (397), when the renewed treaty was carried into effect, as is evident from the sending of the Latin contingents and from the institution of the tribes mentioned above. These communities invaded the neighbouring territories: if the object of the war was only to compel them to yield to the decree made respecting them, it is easy to understand, why the courageous Privernatans gave in without allowing matters to come to extremities, in 393 (398). The Veliternans seem to have yielded as soon as an armed force appeared.

Tibur cannot then have been included in this Latium; nor Præneste, if it only concluded a truce with the Romans four years afterwards: still when the war against Rome broke out, they were united with the rest of Latium.

It was a change in the constitution of the restored Latin state, that it was no longer governed, as of old, by a dictator, according to the Alban custom, but as at

[178] See above, p. 83.

Rome, by two chiefs chosen annually, under the name of pretors[179]. Respecting the form of their diets we have no express statement: there is also now no trace of a permanently assembled senate, and there is the same probability that it continued to be the custom only for select committees of the senates of several places to meet together. But that there was a senate, is clear from the mention of the ten First, who accompanied the pretor as ambassadors[80]: and that by the concilium of the Latins we are not to understand a general meeting of the people without an assembly of the representatives; but that it was in reality rather the latter, whose decrees were ratified throughout by the assembled people only as a matter of form;—is proved by the expressions used in relating the transaction, which preceded the embassy of the pretor Annius. They are peculiar to business in the senate[81].

The more immediate inducement to make those concessions to the Latins, beyond which their claims could never go, arose evidently from the danger of the Gauls, who seemed resolved to settle down permanently in Latium, as their tribes east of the Adriatic settled there, partly divided from one another by great districts. To yield for such an object to claims, which were otherwise provoking as the assumptions of an inferiour, was a wisdom, such as Athens repeatedly shewed about the same time. But it was, on the other hand, an advantage to the patricians, to which they sacrificed the pride and supremacy of the republic without hesitation, that they could threaten their adversaries with the help of the confederates, and hope to deprive them again of the equality which had been conceded.

A confederacy of republics without a permanent magistracy at its head, can only hope to maintain itself by

[179] Livy, VIII. 3.

[80] Livy, VIII. 3.

[81] Livy, VIII. 3. 4. Praetores, quidnam ad ea responderi placeat, referunt. Cum aliud alii censerent—.

consisting of such a number of places, that their voting can be conducted as in a court of justice; and if misunderstandings arise, by being able to find impartial men among them, who are acknowledged to be so, and are able to act as mediators. An alliance between two free states with perfectly equal rights, not for a transitory object, but as a permanent political union, can scarcely be kept together by a common prince, if clashing interests produce hostilities in their minds, always jealous of one another.

THE EARLIEST CONSTITUTION OF THE MANIPULAR LEGION.

When fire-arms in the seventeenth century were made more usable and handy, it was soon perceived, that troops provided with them in greater proportion, and drawn up with a larger front, had such decided advantages over the deep masses arranged in the old fashion, and armed for the most part with pikes, that it was thought wiser, if the soldier could have the necessary individual training, to submit to the disadvantages which sometimes could not be avoided in an engagement with deep masses. In the same way Iphicrates, about the hundredth Olympiad, had considered, that the phalanx could only be overcome either by an overwhelming increase of the masses and of physical power, that is, by increasing the depth of the ranks and the strength of the spears, or by picking out and training the individual for a service, which held a middle place between that of the phalangite and the arquebusier. It must have appeared that with the former system both parties would again be on an equality after a short time, as those who suffered would, with the most ordinary degree of common sense, adopt the innovation, the only difficulty of which consisted in the management of the spears: the second could not be applied in the case of a militia, but afforded decided advantages to mercenary troops when permanently assembled. Iphicrates therefore establisht the service of the peltasts, to whom he gave indeed a spear half as long again as was usual, but it was chiefly

by providing them with a sword double the size of the one hitherto used, that he rendered them fit to resist the enemy man to man. For instead of this weapon the Greeks had previously only a short knife like the modern Arnaouts; and if the phalanx were broken, the enemy, provided with a real sword, could master their opponents. For a time the new arrangement had surprising success: but as it was only adopted to a very limited extent, and even then remained stationary instead of improving and being recognised only as a first step, Philip, anxious to secure a quick decision, could choose, with far greater success, that other system, which was suited to his people and his circumstances. The prudent king may have considered that a long time elapses before a people abandons bad institutions that have come down from its forefathers, however striking their injurious effects may be: at least so it happened, and Greece was subdued before any one thought of opposing the Macedonian tactic to the Macedonians themselves. It remained afterwards predominant from generation to generation: and the peltast-system was preserved only in conjunction with, and subordinate to, the other, and in an undevelopt state.

A passage in Livy, which is equaled by few others in comprest richness of information [162], states, that the military arrangement of old was that of the phalanx, which presupposes that the Romans too carried at that time a lance of moderate length, and a knife instead of a sword. Many ancient institutions continued amongst them long after they had been changed by the Greeks, as the use of the round Argolic shield, instead of which Iphicrates found a far larger one introduced, and in the same way, perhaps, the use of brass, which was for a long time after-

[162] Livy, VIII. 8. I quote passages, which are frequently referred to, because even a careful reference interrupts the reader, if he has to look for a few words; he may even pass by those which are meant: such a long passage, however, immediately strikes the eye.

wards cheap and abundant in Italy. Cesar says in Sallust, [183] that the Romans took their arms from the Samnites: if this had been written by the dictator himself, every scruple would have been silenced by his testimony; which would be far above all doubt in reference to a subject of which he was the greatest master: but as it is clearly Sallust himself that speaks, we have to consider, that the armour of the Samnites in the fifth century, such as it may also be seen in the armour of the gladiators from Pompeii, represents that of the ancient Greeks. Without attempting a solution here, which could only consist of uncertain possibilities, I shall explain the peculiar features of the manipular arrangement. Few passages in ancient writers have experienced such wild conjectural criticism as that of Livy: for it has been utterly misunderstood[84]. Now though one cannot avoid shewing, that Livy in one point did not understand his excellent materials and transmitted them in an erroneous light, yet this ought not to need an apology, as it rescues a text perfectly consistent in itself and confirmed by all manuscripts, from the violence of blind criticism.

According to his account, the legion at the beginning of the fifth century consisted of five divisions, or cohorts, which particular name he avoids, because it assumed afterwards two entirely different meanings: but we shall make use of it, or call them batallions, with the same liberty

[183] Catil. c. 51.

[84] Philologers of mighty learning and clear understanding did, nevertheless, not understand that the course of time changed the forms of things in antiquity too; so that it ought rather to be shewn whether the same peculiarities can be supposed to exist in a number of centuries, either preceding or succeeding, in a political or military institution bearing the same name. Because Polybius had described the old legion as it was before Marius, his description was to hold good for every period of the early times, and every account must be forced to agree with it: just as if a batallion of the thirty years' war, or of that in the Low Countries, should be considered the same as what is called so at present.

as our ancestors took in matters of this kind. These divisions were the hastates, the principes, the triarians, the rorarians, and the accensi. The first two together were called antesignani or antepilani, because they were drawn up before the standards and the triarians, who were also called pilani; each of them contained fifteen maniples, or thirty centuries; and as the scheme presupposed thirty plebeian tribes, without taking into account their diminution and gradual restoration, a century is reckoned at thirty men, exclusive of the centurion. So far, Livy is clear. But he further found, that the last three were likewise divided into fifteen maniples each, but that three maniples, one from each cohort, or six centuries, were always united into one vexillum, which accordingly consisted of 180 privates under six centurions[185]:—and here he became completely bewildered. But his mistake can mislead no one, since the three last cohorts according to his statements would contain 24,300 privates[86], and the whole legion, whose strength at that time he calculates, in the same chapter, at 5000 at the utmost, 26,100 privates, besides 870 centurions. The complete cohort, without reference to the diminution of the tribes below their

[185] One among them must have had the command of the whole vexillum: but it could not have past from one to the other, but must always have belonged to the triarians, as the light-armed in the subsequent legion had no centurions of their own (Polybius, VI. 24). Hence the primus pilus: the remembrance of his distinction remained.

[86] Fifteen ordines, each of three primi pili, and each of the latter of three vexilla, of which each contained 186 men (180 privates and 6 centurions) 135 × 180. Here the combination of all the three cohorts, and there the circumstance that the triarians were composed of three divisions, which I shall speak of presently, have misled him, and he cannot possibly have made his calculation. It is very fortunate that he did not, since the discovery of a result perfectly impossible would perhaps have been followed by the necessary consequence of striking out the notice altogether.

original number[87], and to their gradual completion, contained thirty centuries of thirty men each, consequently 900 men: and no one can doubt that, where everything was so regular and symmetrical, all five would have been of equal strength: consequently the legion, according to the scheme, contained 4500 men[88]. Of these, 400 were hastates, 900 principes, and 900 triarians, 2200 heavy-armed troops of the line: 200 hastates, and 900 rorarians, 1100 light-armed men: the same proportion which existed among the Greeks between the latter and the hoplites, and which was, probably, the same among the Romans, so long as the phalangite arrangement continued[89]. The 900 accensi were a depot-batallion, which followed the legion into the field[90].

Respecting the three cohorts of the hoplites we learn from Varro[91], that the hastates had spears, the principes

[87] As, however, there were also annalists, who took notice of this, we read of cohorts of 600 men: vol. I. p. 479, note 1093.

[88] Livy's statement of 500 does not agree with this, and at the time of the Latin war, when there were only 27 tribes, the cohort could only contain 810, the legion 4050 men. This would agree with the proposed alteration *quaternis millibus*; which should not have been ventured upon at all, so long as an explanation was wanting, according to which the number of the constituent parts produced thus much without being forced: and perhaps there is here indeed a slip of the pen; it is possible that the annalist, whom Livy had before him, stated here the actual strength, and had clearly known beforehand, that he was giving a scheme. I should not, however, like to alter the text, not only because Livy has fallen into an errour in an unaccountable manner, but because he may have been led into it by his annalists, if the latter wisht to give in round numbers, the strength which the legion would have had after the completion of the 35 tribes, if its constitution had not been altered: namely cohorts of 1050 men.

[89] Vol. I. p. 480. foll.

[90] Vol. I. p. 480. foll.

[91] De Ling. Lat. v. 16. (IV. p. 26.) Hastati dicti qui primi hastis pugnabant, pilani qui pilis, principes qui a principio gladiis: ea post commutata re militari minus illustria sunt.

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swords, and the triarians pila, whence they were called pilani; and that the explanation of these names had become obscure through the change in military affairs. And indeed not only did the name pilani disappear, but it happened by a caprice of fate, that in the manipular legion, which Polybius describes, and which for the advantage of a simple expression we may call the middle one, those only who were then called triarians carried spears; and the two divisions of the front line pila, notwithstanding the name of one of them. But what Varro expressly teaches us, would even follow from the names pilani and antepilani. We cannot perhaps conclude from Varro's account, that the principes had entirely laid aside the lance: it is very improbable, that their imagination would have been frightened by this apparently defenceless state when opposed to an enemy armed with it: but at the same time it may perhaps be inferred, that the hastates still continued to be provided only with the knives customary before, while the former on the other hand received the strong, straight, two-edged blades adapted for thrusting, and which they were trained to use in fighting.

There were heavy-armed and light-armed hastates; the latter armed in the same way as all the light troops of the legion were subsequently: and slingers, who were omitted when the legion was changed: these are the rorarians of Livy. The arms of the former were those of the fourth class of Servius: the name of the rorarians must originally have signified slingers[192]; for such were the light troops of the fifth class; although it was afterwards transferred to the light-armed hastates, and was used to designate them at least in the time of Plautus[93]. The phalanx had been formed out of the first three classes: so long as the constitution of the centuries remained unaltered, no change can

[192] Here for once the ancient etymologists have hit upon the truth; nor was it possible to miss it: drippers, sprinklers, because single drops fall (*quod rorat*), before the rain pours down.

[93] Varro, de ling. Lat. VII. 3. (VI. p. 92.)

have been made in their arms any more than in those of the light troops. The means by which we may obtain a knowledge of how they were now distributed, is afforded us by the principes and triarians. It cannot possibly be disputed, that the former are to be lookt for in the first class: their magnificent arms[194] and the name itself point thither: but their thirty centuries do not yet exhaust those of the juniors of this class. The remaining ten are to be found without doubt among the triarians, whose name cannot have reference to their number[95], but must have been occasioned by their cohort consisting of three divisions: the contingents of the three classes[96]: that is, the ten remaining centuries of the first, and just as many from the second and third classes. The two latter however furnisht an equal number for the hastates, on account of the strength of their centuries compared with those of the first[97]. Thus it follows, that thirty centuries of the first class had received good swords, according to all appearance without laying down their lances: ten had received pila instead of the lances; and likewise each ten of the twenty, which were furnisht by each of the two following classes: the other halves of their contingents remained unaltered, like those of the last classes. As to the statement of Livy that the first three cohorts, ascending from the hastates, were formed of proportionably older and more experienced soldiers; it is, like the representation he gives of the triarians, quite an improper application of what he knew of the arrangement of the middle legion, and here

[194] Insignibus maxime armis: Livy, VIII. 8.

[95] Triarians cannot signify the *third*: that would be *Tertiarii*.

[96] A trace of this is perceptible in Livy's misunderstood statements of the three divisions of each ordo, each of which was again divided into three. Hence also the name of *primus pilus* is probably derived: it is natural that the pilani of the first class rankt before those of the second, and these again in their turn. (Compare above, note 185.)

[97] Compare Vol. I. p. 479.

absolutely false. The soldiers were not divided according to age and experience in war into the four orders of the infantry, as Polybius has described, until the 170 centuries of the militia ceast to exist, and the levies were made directly from the tribes.

His account of the arrangement and movements of the five cohorts in battle is perhaps equally erroneous. Their maniples may have been arranged while marching[198] in the manner he describes: respecting the accensi one does not see why a place should have been assigned them in the battle, unarmed as they were, since those who were wanted as a reserve were placed in the ranks: and the rorarians could not occupy the place behind the triarians, till they had retreated to their rear as soon as the troops of the line commenced fighting. For it was the duty of the rorarians to open the battle together with the light-armed hastates, who afterwards withdrew behind the heavy-armed hastates, and must have formed the last parts of the phalanx of their cohort. The arrangement of the maniples according to gradations, which he evidently conceives to have been the case with all five, can therefore at the utmost be true of the first three cohorts. But probably no unchangeable rule prevailed here: it was indeed a wise maxim in the Roman tactic, to begin the battle with the smallest possible number of their forces, to demand of these the utmost exertions, and while the enemy was growing tired, to reserve the greatest possible force for the decisive moment, and at last for following up the victory. But if the enemy rusht onwards with great numbers and vehemently, or adopted the system of the Roman tactic, the maniples of the single ordines were certainly not led out one after the

[198] In the *agmen quadratum*, where the front of the army drawn up for battle was the same as in marching; whereas in the *agmen longum* the maniples of each cohort formed, according to circumstances, on the right or the left wing, heads of columns by means of a quarter wheeling round: and according to circumstances perhaps each column of a cohort also stept in behind another.

other, but undoubtedly advanced with their united force. If the maniples of the hastates and principes, placed alternately, formed the front, this arrangement was in reality the same that Pyrrhus adopted, when he drew up alternately batallions of phalangites and of such as were armed according to the Roman fashion. It is clear that passages were left open, in order to let the light-armed troops pass through: and these also enabled the triarians to come forward, if the later arrangement really existed already. And certainly the advance of a troop which hurled the pila, might give a complete shock to an enemy, that had worn himself out by contending against spears and swords, or wrest from him again the advantages he had already gained: still it did not afford that protection, which the advance of the triarians armed with spears secured to lines that were overwhelmed: and it is something more than a mere possibility, that the pilani, just the reverse of what Livy transfers from the constitution of the later legion, took their share in the battle, before the ranks of the hastates and principes came up. This was especially the case in the Gallic wars, through which, as it is said, and the statement may easily be believed, this weapon came into use. The Celts sought to fight man against man; their size and fury were then dreaded by the Romans; lances they would have seized, pulled down, and opened to themselves a passage. A pilum stuck fast into the great but weak shield of the Gauls, even though it did not pierce through it, made it awkward to use, and exposed the unprotected body of the bearer to other missiles, before the armies came to close quarters. And in order to have its proper effect, the pilum in general required to be hurled at a certain distance, which no longer existed, when the first two cohorts were engaged in close combat.

There is likewise no doubt respecting the truth of another statement, that the size of the shields was increased, in order to withstand the swords of the Gauls[199],

[199] Plutarch, Camill. 40.

against which the brazen Argolic shields afforded no protection. At the same time the dearth of brass, which was doubled in value in the time of distress after the taking of the city, must have recommended the introduction of cheaper ones. They were therefore made of laths, which were cased with the hide of an ox[200]; and the edges were covered with an iron rim. Iron now began generally to supply the place of brass in the armour, perhaps merely on account of the high price to which the latter had risen, not for its greater usefulness.

In what way the Roman soldiers used pila and swords when they were drawn up ten men deep I shall shew in my account of the middle arrangement of the legion, which followed the one I have just explained.

The Romans did not yet rely upon being able to give to all the troops of the line that personal training, which the use of these weapons required: here too the transition from the ancient system was gradual; and it still continued for awhile, though within narrower limits, along with the more perfect new one. In this case also time gave the latter its full development, and rendered the former first unimportant, and then superfluous. But while the phalangite became torpid in the mass, there began with personal training an era of independent and new life for the Roman soldier, whose own ability did not remain confined to service in the army. Here the rulers recognised the necessity of preparing new means for the wants of the times: of doing away with what was antiquated and a hindrance: the same persons however did not recognise the same necessity in the forms of the state, because what was just and better was opposed to their own advantage: but the force of time was stronger than their stubbornness, and the excess of the evil helpt to remove it.

[200] This however was nothing new, as the shield with the Gabine treaty upon it shews: vol. i. p. 512.

THE FIRST SAMNITE WAR.

THE Samnites were then in the fulness of their strength: in extent of territory, and of population too, they were certainly far superior to Rome and her allies. Their tribes extended from the Lower sea, where they separated Campania from Lucania, right up to the Upper[201]: towards the Liris, in the mountains of Lucania, and down upon the plains of Apulia, their territories embraced far more than the space, which bears the name of Samnium upon the maps: but the Campanians and Lucanians had become estranged from the mother people. Samnium itself however was not a single state, but a confederacy of different and independent countries, which were consequently jealous of their allies in maintaining their own independence. One of them, the Pentrians, took no part in one campaign[2] in the midst of the war against the Romans: a part of the Samnites received the Roman municipium[3]: namely, the Caudines, of whom Sp. Postumius was a municeps[4]. According to all appearance there were four of these Samnite tribes, in accordance with the regulative number of the Sabellians[5], like that of the Marsian confederacy: the Caudines, Hirpinians, Pentrians, and Frentanians: the latter of whom had certainly not become separated from them yet, as they are at that time expressly reckoned among the Samnites by foreiners. The southern country from

[201] Vol. I. pp. 91, 92. [2] (Livy, XXII. 61?)
[3] Velleius, I. 14. [4] Vol. II. pp. 62, 63. [5] Vol. II. p. 84.

Surrentum to the Silarus may have contained none but allied or subject places, and not have formed a part of the confederacy. The bond of the Samnite tribes was the same as that by which the three of the Roman confederacy were united: mutual municipium, and diets at which the chiefs of the nation and committees of the senates met together. It is clear, that nothing was decided by their deliberations, but that every thing had to be laid before the council and commonalty of each country: but if the general opinion was loudly exprest and had long demanded what the assembled deputies now proposed, the latter might, without fear of being made responsible, ordain and carry into execution what had not yet been brought before the soverain power and sanctioned by it. It is further clear and is confirmed by examples, that the chiefs of the country could summon extraordinary diets: according to analogy and the nature of the case it may be considered as certain that the supreme command belonged to each country in turn. The dictator of all Samnium had the name of Imperator[206]: whether it be, that the chief magistracy among each people was so called, or that the Pretor or Meddix to whom this dignity was given in the turn of his nation, then received the honour of this name. The Samnites were a mixt race of Oscans and Sabines; the different people perhaps in different proportions: it is clear, that the immigrants were once the ruling class: but they had become united with the ancient inhabitants into one people, and had not remained separated like the Lucanians; it was by this real union that the nation was so strong. Their habits and character were Sabellian, their language Oscan.

Italy could not contain Rome and Samnium by the side of one another. If the Samnites had measured themselves and the state, which they were obliged either to conquer or to submit to, not merely by the number of the popula-

[206] Vol. I. p. 107.

tion or by the courage and warlike spirit of each, if they had like the Italicans of the seventh century drawn together their soverainty into one capital to form a centre point, as the only means of perfectly uniting a state which the nations of Italy were capable of, then the soverainty would have belonged to their nation. This is attested by the falsified and dishonestly detracting history of their wars with the Romans, of their unshaken perseverance, of their sufferings, and their destruction. It must be acknowledged, that they and all the greater nations of Italy fell through the folly of struggling for victory and preservation only with those means and institutions, which, while unimpaired and unexhausted, had failed in the first contest, while the Romans, unceasingly thinking of their objects and preparing what was adapted to them, trained themselves under the victories of their enemies, like vigorous youths under a hard master.

The Samnites had ruled at Capua from the year 331: but the bulk of the inhabitants consisted of Oscans and of the descendants of the ancient Tuscans mixt with them: and the mildness of the Sabellian character, although the ruling Sabellians, just like the Lucanians, had formed themselves into a separate populus as Campanians*, was favorable to their preserving or gaining the liberties of a kindly treated plebs. He who is familiar with the characteristic features of the orders in Italy, must see plainly, that the 1600 knights at Capua, who had taken no part in the revolt from Rome, were the Sabellian houses, four tribes[207], which had refused to ratify the plebiscitum respecting the league with the Latins and the allies against Rome and Samnium. A revolution, which did not go so far as to expel the Sabellians, or to degrade them so much as the knights at Florence by the ordinance of justice, but still deprived them of the soverainty and restored to the old people such a share in it, that they could decide against

* Vol. I. p. 93.

[207] Vol. II. p. 84. foll.

the inclinations of the Campanian patricians, accounts for the enmity which Capua shews against Samnium. It is true that in antiquity too colonies were often ungrateful, and in the fourth generation from the first reception of the Samnites at Vulturnum the blood and manners of the Sabellian houses may have been greatly mixt and become estranged from the Samnite character. Still it is only by the above-mentioned circumstances that it can be explained, how, spite of the Samnite colony, contempt and hatred had taken root between the luxurious inhabitants of the city and the shepherds of the mountains, as bitterly as once between the effeminate citizens of Vulturnum and the old Sabellians, when the latter descended from the mountains to gain possession of the richest jewel that Italy contains in its whole extent. The dissensions of the populus and the plebs, of which the former regarded their mighty neighbours, if not with the piety of a well-disposed colony, yet with very different eyes from the latter,—nay may even have expected from them protection and assistance—, explain further the weakness of Capua at that time. This city, which is mentioned together with Rome and Carthage, which could indulge in dreams of the soverainty of Italy, was certainly not inferior to Rome at that time either in size or population. But the population within the ringwalls of a city did not give the standard of their military power, nor even the number of freemen, but only that of the citizens who lived in unison. The number of slaves must have been great in the city in which gladiators arose: and even the high cultivation of the arts, which were practist by slaves in the ancient republics, although superintended by freemen, leads us to suppose an overwhelming number of them in every manufacturing town. It may be that the cultivation of the richest fields in the world occupied also many freemen; but a city, which reveled in the highest luxury and the wildest licentiousness, whose main street — the Seplasia — counted shops upon shops, where ointments and perfumes were sold; a city, in

which such a senate and such a people quarreled, as Pacuvius Calavius misused against one another at the beginning of the Hannibalian war: in which the people forgot so shamelessly all respect for the government, from want of feeling for its dignity, not from indignation at its profanation by unworthy men: in which licentiousness went on after the most frightful judgement had overtaken her most distinguisht citizens, and only the lowest rabble was left in her: such a city is judged in history. Still the Campanians shewed themselves faithful and noble after the Caudine misfortune, and Decius Magius may be named by the side of the best of the Romans: nor must we omit to mention, that the plastic arts in Campania had attained the highth of Grecian excellence. Neither the paintings nor the coins yield to Grecian art: the artists had acquired a gracefulness which the Etruscans never reacht: they worked in a great and easy style; the mechanical execution is as excellent as the idea, which the artist strove to represent from his soul. The Greek mythology in their works of art leads us to the infallible conclusion, that they were familiar with the language and poetry of Greece: and there certainly cannot have been wanting Campanian poets and writers in the Greek language, though no memorial has been preserved of this inoculated literature. One peculiar to themselves they possest in burlesque comedies, the Atellanes, which seem to have been usually improvised, and in the representations of which, either imitations or translations, the Roman public took a lively pleasure: from them is descended the excellent Pulcinello, who, like Campania's heaven and plains, has remained unchanged in the vicissitudes of the ruling nations.

It is certain that the name Campanians signifies citizens of Capua: but it is not confined to the city. Italy at that time had already a country called Campania, though with far narrower limits than the region which Augustus extended as far as the Liris. Capua had been warlike, and in consequence of the Italian law of nations was in possession

of extensive territories. Besides the real Campanian land, the Phlegræan fields, there belonged to the city, as we are expressly informed, the Falernian district, the Stellatian plain, and the territories of the subsequent colonies of Vulturnum, Liternum, and the ancient Greek Dicæarchia[208]. But in addition to Capua's own possessions just mentioned, there belonged to Campania the free towns, which lying in a circle around their head stood to Capua in a relation similar to that of the Latin towns to Rome. The citizens who had the soverainty at Cumæ, Atella, Acerræ, Calatia, Suessula and Casilinum had gone forth from the Sabellian conquerors of Capua. The great and populous towns of Nuceria and Nola, the latter according to the language of its coins and the representations of the Greeks with a hellenised population, were faithful to the Samnites as allied towns.

The Samnites were then spreading their conquests from the upper Vulturnus towards the Liris, over a country in which old Ausonian tribes had maintained themselves. Among these the Sidicinians were the most important people, whose town Teanum, was called great[9] even among the largest cities of Italy, and their territory once extended as far as Fregellæ[10]. Still when the Samnites invaded them, they despaired of their own power, and sought assistance among the Campanians.

At this time and even as early as the fourth century Campanian legions were of great importance among the forein hosts, which sold their services in Sicily[11]; neither

[208] Salernum and Buxentum, which came under the dominion of Rome by the destruction of the Campanian state, cannot have been in the possession of Capua at the time which is here spoken of: when they probably came to be so, will be stated hereafter.

[9] Strabo, v. c. 3. § 9. (p. 249.) [10] Livy, VIII. 22.

[11] The Campanian regiments must originally have been raised in Campania, and perhaps kept complete by supplies from the same quarter; probably in consequence of stipulations. In the course of time however other nations (Samnites and Lucanians) probably be-

their courage nor their military service is found fault with, but their fidelity is. For like the most savage barbarians they wickedly sold their services to the highest bidder, without the slightest feeling for the honour of soldiers: they were dreaded by the cities, where they were quartered; they incessantly attempted to make themselves masters of them, and when they succeeded, they acted as highwaymen: they murdered the men, and divided the women and children among them. So tempting was the service in Sicily to the loose vagabonds of these countries, that we read of there being danger in the time of Plato, lest the Greeks should be rooted out of the island, and their cities become Punic or Oscan[212]. Thus they had already made themselves masters of Entella, and also inhabited Ætna. The militia of wealthy Capua resembled these wild vagabonds only in their name. They were defeated by the Samnites near Teanum in the first battle, and retreated towards their capital. The conquerors followed, deferring the war against the Sidicinians; they crost the Vulturnus, and encampt on Mount Tifata, which overlooks Capua. From this place they ravaged the rich plains around the city, till the flames of the farms and the country-houses drew the Campanians into the field, and afforded to the Samnites the wisht for opportunity of a new battle. A second easy victory, booty, and devastation, seemed to have satisfied them: the connexion of the narrative shews, that they even quitted the territory of Capua

came as prevalent among them in number, as foreiners of all nations among the regiments of Walloons in Spain. The Romans allowed no recruiting for forein countries, and probably forbade it in Campania also, as soon as they obtained the rule there. Nevertheless the name, with remnants of the old stock, might yet remain for a long while; but after the death of Agathocles we hear no more of Campanians but of Mamertines, as the general name of the Sabellian mercenaries. In the fifth century, but not earlier, we also find Tyrrhenian troops in Sicily engaged in mercenary service.

[212] Ep. VII. p. 353, e. among the epistles ascribed to Plato.

entirely. Probably their men when called upon served for the booty, without pay: hence their campaigns never had the connexion and duration of the Roman ones.

Capua had perhaps little cause for fearing a siege; but her territory lay open without protection to the yearly inroads of the Samnites. Nothing but the alliance of a powerful state could deliver them from this misfortune, or from a peace such as the victors might dictate.

They turned their eyes, as Livy says, towards Rome, which was the only state that could stand the contest with the Samnites and be willing to venture upon it. But since the year 396 (401) the two nations had been united by a league, which seems to have been brought about, not only by the approximation of their frontiers, formerly separated by considerable nations, but also by the danger of the Gauls, who were particularly dreaded in that age. It is true that a league, as understood by the Italian people, was very far from being always a union for mutual assistance. According to the notions of their international law, no one in his own person could exercise rights in a forein state, with respect to any business whatsoever, unless the people to which he belonged had acquired this privilege for its citizens by mutual and express assurance: and as nations that had waged war against one another needed a treaty of alliance, in order to enter again into lawful relations to one another, so also did those between whom connexions were formed for the first time. Then they also limited mutually their right of war, and drew limits, within which, as far as they could reach, each was allowed to occupy places and subdue them. In the limits however assigned to one, the other was justified indeed in making conquests, if war led him so far, but he might only carry away men and property; the towns and the land he was bound to give up to his ally[213]. Capua had without doubt considerable inter-

[213] This is clear from the ancient treaties between Rome and Carthage, Rome and the Ætolians, and in reference to Samnium from Livy, VIII. 1. *Pacem—bellique jus adversus Sidicinos petierunt.*

course with Rome; the contrary is in fact inconceivable, and even the name of the Porta Capena may be regarded as a proof: consequently it may have had a treaty also, which however can only have affected such relations of the citizens as are mentioned above.

It may be that the league between the Romans and the Samnites did not mention the Campanians, and had in no way conceded to the Samnites the right of subduing them: but it surely was never concluded by the Romans alone, without the participation of the two nations in alliance with them, which by their situation were much more concerned in it than Rome herself. It is utterly impossible, that Latium, so completely united with Rome, should not have had an equal share in concluding it: but it is just as inconceivable, that it should only have been Rome from which the Campanians sought protection, by means of a treaty with her, or, if it could not be otherwise, by submitting to her soverainty. This is Livy's representation, founded upon the folly of supposing, that Latium was legally subject at that time to the Roman republic, though it had for some years been wavering in its fidelity[214]. But it has been shewn that the Latins were as free in regard to Rome as any allied state has ever been; they would never have carried on the war against the Samnites merely to please Rome, and according to his own representation they were involved in it[15]. During its progress, the year 408 (413), in which the Roman army revolted, passes away in a most unaccountable manner without any mention of the Samnites; without their attempting to repair the loss of the preceding campaign by availing themselves of the inactivity of the Romans: then in the year following the consul leads the Roman army into Samnium, so that the fruits of the former victories were not lost by the defenseless state in which they left the country. Just as little do the Latins, who are said to have been prepared for the

[214] Livy, VIII. 2, 3.

[15] Livy, as above.

Roman war even in the year before[216], avail themselves of this time. The armies, which fight for the soverainty of Campania in the year 407 (412), are exceedingly large, even though the numbers stated may be exaggerated, according to which the two Roman armies would have been opposed by a hundred thousand Samnites; four Roman legions, the greatest force that Rome alone could have sent into the field, would certainly have been unable to conquer them, if they had been joined only by the Campanians and Sidicinians. At the breaking out of the Latin war, it is remarkt with a decision, which is very different from the arbitrary view of an annalist, that it was like a civil war, for the officers had frequently served as collegues in the same legions, and the soldiers by the side of one another in the same maniples[17]. It is further to be observed, that the Marcians and Pelignians were then allied to the Samnites[18], but the country of the latter was invaded by the Latins during the first campaign[19].

There can be no doubt at all, that Livy's statement is equally false, when he says, that Rome conscientiously refused the alliance with the Campanians; but that when the deputies offered their country to the republic as property, they regarded the protection of their subjects as a higher obligation than their alliance with the Samnites[20]. Capua did not stand to Rome in this relation of a subject state; the revolt of subjects would have been revenged by the Romans in a very different manner from the punishment they inflicted on Capua after the Latin war: no equal alliance[21] would have been granted to such as had by their own free choice given themselves up to the Romans as subjects, and had afterwards proved faithless; but it might indeed have been given back to allies who

[216] Livy, VII. 38.

[17] Livy, VIII. 6 and 8.

[18] Livy, VIII. 6.

[19] Livy, VII. 38.

[20] According to the same law of conscience, which commanded them to protect their client against their nearest relative.

[21] Livy, XXIII. 5.

had gone astray, especially if the government was secured to a party attacht to the Romans.

The Romans had a peculiarly reverential care for the good fame of their ancestors, which scrupulously veiled their unrighteous deeds, and tried to give to all their actions the appearance of a good cause and a clean conscience. But besides this dishonesty arising from a laudable motive, an excessively foolish vanity led them to conceal the fact, that the republic was not always successful, great, and powerful, but had sometimes been even humble, small, and weak: a folly which increast in proportion as they became strangers to their antiquity. Their oldest annalists seem to have been unbiassed; the later ones unhesitatingly indulged in boasting fictions. It is by these that Livy was deceived; whether he was also by the pious fiction above-mentioned and the delusions of a morbid patriotism without being at all aware of it, may be left undecided: but all these causes have cooperated in creating a totally untrue representation of the relation between Rome and Latium; and consequently of the alliance with the Campanians for the protection of the latter.

To the disclosure of the internal want of truth in Livy's narrative together with its repetitions, I have already been so often obliged to confine my history; and it would now also be necessary, did not the tolerably minute account which has been preserved of the separate occurrences favour a restoration of their outlines which have been purposely distorted. History cannot dispense with a narration of the progress of those great occurrences, by which Rome clomb to the highth, whence it could aim at the empire of Italy. I venture to give the following narrative, convinced, that it will be much nearer the truth than that which claims to be historical; but at the same time well aware, that what is fictitious may indeed be recognised and rejected with certainty, but that what has been destroyed and sacrificed to the former can only be inserted in the gaps, which thus become visible, with an approximation to probability. The

gods did not deny themselves the restoration of Pelops to life, although they were obliged to give him the ivory shoulder. Our labour however is rather to be likened to that of a student of nature, who frees a skeleton of fossil bones which has been carelessly put together, from the additions that have been falsely made to it: and if favored by fortune creates what is now wanting, and from the notion he has conceived of its structure represents the outlines of the once living figure. He will himself modestly own, that he may be mistaken in single combinations, and that neither he nor any one else is able to guess by divination at the eye, the colour, and the real form of life in all its moveable parts: nevertheless he has done service to science.

In the year 407 (412) Campanian embassadors appeared at the diet of the Romans and their allies, in order to be admitted among them and to obtain protection against the Samnites. Capua offered the accession of the richest city of Italy and of those that belonged to her, and every thing that could be attractive to ambition. The Sidicinians were probably admitted with them as their allies.

The senate of Rome, which had the presidency in that year, caused the Samnites to be informed of the conclusion of the treaty, and demanded that all hostilities against the Campanians and Sidicinians should be suspended.[222] The Samnites however saw in the alliance with their avowed enemies a breach of peace; they proudly accepted the war, and the commanders of their cohorts received orders in the presence of the Roman embassadors to invade Campania.

Both the consuls led armies thither: one destined to expel the enemy from the country of the allies, under M. Valerius Corvus: the second was to cover the territory of Capua by occupying the mountain passes, and to carry the evils of the war into Samnium itself.

[222] Otherwise the Samnites in the treaty of 404 (409) would not have stipulated for the right of making war against the Sidicinians. Livy, VIII. 1.

Valerius found the enemy spread between the Vulturnus and the bay, where the Greeks of Parthenope, prest by the Campanians, the ravagers of their mother-state, were in alliance with Samnium[223], as the most formidable neighbour to a state always causes it to seek connexion with his enemy. He took his station above Cumæ, on mount Gaurus[24], at that time fruitful and covered with vines, but now and ever since the time of the Saracens naked and barren: this was evidently the compulsory choice of an army driven back into a corner, where cut off from Capua, having the sea in its rear and the deep Vulturnus on the road to Rome, it was irrecoverably lost in case of a defeat. The history of the first events of the campaign, of the engagements which had compelled the consul to retreat thither, and which gave the Samnites the confidence in victory, with which they hastened to the attack; this knowledge, like almost every thing which might make the Samnite wars more intelligible, is buried in eternal night.

The battle at Mount Gaurus, seldom as it is mentioned, is one of the most memorable in the history of the world: it decided, like the prærogativa, upon the great contest which had now begun between Sabellians and Latins for the soverainty of the world. In courage and in arms the Samnites were equal to the Romans: the latter had borrowed from the former the best of their arms[25]:

[223] Livy, VIII. 22; Dionysius, Exc. de Legat. p. 2324. R.

[24] The occurrences after the battle decide for this mountain against another of the same name near Nuceria (Eckhel, Doctr. num. I. p. 114). If it had taken place in the neighbourhood of Nuceria, the Samnites would have advanced to Suessula, and not have retreated: this mountain too was not in Campania.

[25] Sallust, Cat. 51. (Compare however above, p. 99.) The expression, that the lances of the Samnites glittered (Livy, VII. 33) may in the first place be rather bold; and secondly it does not by any means exclude the pilum, as among the Romans also, at least the one cohort of the antesignani was armed with lances.

it was not military skill which decided this day, but only the perseverance and probably the despair of the army, which had no choice between victory and annihilation. The whole strength of the Samnites, men of the mountains, lay in their infantry. The cavalry of the Romans, always their worst force, tried in vain to break through the iron ranks. Valerius withdrew it and distributed it upon the flanks. Thousands had fallen around the Samnite standards, which the Romans incessantly attackt with renewed exertion: both armies, according to Livy's beautiful expression, were resolved to let themselves be conquered by nothing but death: the day was far advanced; and then a last desperate attack decided the battle. The Samnites retreated; disorder and flight became general[226], before they reacht their fortified camp. This they abandoned in the night. The Samnite soldiers engaged in this battle said afterwards, that the eyes of the Romans seemed to them to be on fire, and their features to utter madness: and that from this sight they had fled.

From Mount Gaurus they retreated towards Suessula, situated at the foot of the hills, on the road that leads from Capua to Nola. In a hostile country, in this thickly peopled plain, intersected by ditches and crost by plantations, the retreat was quietly effected behind felled trees, destroyed bridges and burning villages. Valerius had been received as conqueror by the exulting Campanians; but a second contest yet awaited him before the land was freed from the enemy.

While he was conquering at mount Gaurus, the army of his collegue A. Cornelius Cossus was on the brink of destruction in the same mountain-passes or in others close by, where the Caudine calamity befell the Romans twenty-one years afterwards. The frontier of Samnium ran near Capua: the first town was Saticula: thence the road led

[226] The adding or striking out of the negative cannot generally be allowed in conjectural criticism; but here I should like to venture to read: tum capi, *non* occidi Samnis.

over the mountains to Beneventum, into fruitful and smiling valleys. The ranges of the Apennines run here parallel from the north in a southerly direction: between them lie well-watered plains; the road passes across the ridges of the mountains, and cuts through the valleys enclosed by them[27].

On this road the consul led his army carelessly, because, what ought to have made him uneasy, no enemy was to be seen. But when the head of the column had already reacht the valley, the Samnites were seen on the highths of the mountain-ridge from which it was descending, extending sidewards into the wood, which covered the whole mountain and its ranges[28]. It was a whole army, and already on the move to attack the rear: the road across the opposite mountains was blockt up. The only mode of safety was to retrace their steps: but their return might be cut off, before this could be effected. In this dreadful danger the tribune P. Decius offered with the hastates and principes of one legion, together sixteen hundred men[29], to seize a highth which commanded the way, by which the Samnites were hastening down. He succeeded in reaching it. Attackt by this small band from above with every kind of missile, the enemy first tried to dislodge them. The most vehement resistance, and the voluntary attacks of the two cohorts detained them, until the irrevocable moment was lost, and the Roman army had gained again the summit of the mountain, whence it returned in safe order to a better position.

In the mean while Decius and his men maintained their position with incessant fighting. When the night had set in, the Samnites encampt around the highth and gave

[27] Compare Livy, IX. 2, with the narrative, VII. 34, which is by itself scarcely intelligible.

[28] I give the representation of the event related by Livy, which seems to me after repeated consideration to be the only one conceivable.

[29] 1620: a century at that time contained twenty-seven men.

themselves up to sleep: after the second watch the Romans descended in order to make their way to the army of the consul. They were already in the midst of the Samnites when they were discovered: their courage brought them successfully to their goal. When they were near the camp Decius commanded a halt to be made till daybreak: it did not become such men, he said, to enter under the shadow of night. As soon as tidings came, that those who had offered themselves to death for the safety of all, were safe and near, every one hastened to meet them: the tribune entered the camp with the splendour of a voluntary triumph; and the consul saluted him with public thanks. But Decius interrupted the idle praise: it was time, he said, to take advantage of the enemy's consternation at their twofold deception. The legions are said to have been led without delay towards the mountains, and many of the enemies that were disperst to have been cut down, and many to have fled. Thirty thousand, who had thrown themselves into the camp, are said to have been all cut to pieces in it. Even leaving out of question the manifest exaggeration of the number, I relate this victory with doubt, because there is not the most distant allusion made as to whether the object of the campaign, the devastation of Samnium, was followed up. The triumph of the consul does not prove it: for he shared undoubtedly the battle of Suessula. It is true we may also suppose, that it was the retreat of his collegue to Cumæ, which obliged him to abandon the prosecution of the victory.

Those with whom A. Cornelius fought, may have been a militia, which protected their homes, while the kernel of the army was carrying on the war in the country of the enemy.

It is pleasing to follow the Roman historian in relating the rewards which Decius and his men received. The tribune obtained, besides other customary distinctions, a golden crown, a hundred oxen, and a magnificent white bull with gilt horns: the reward, which was once given to

L. Minucius. The soldiers received double rations for the future, and two suits of clothes and an ox each. The army testified their approval of the consul's gift by loud acclamations, and presented Decius with a garland made of twisted grass, the honorary reward of him who delivered an army from the power and siege of an enemy: a similar one was given him by his comrades. He offered the bull as a sacrifice to the god of war, and presented the hundred oxen to his soldiers; and, to complete their feast, all the other soldiers in the army gave them a pound of corn and a pitcher of wine.

Against Suessula both the Roman armies may have been united under the command of Valerius: at least when he pursued the enemy from that place, he left two legions behind: and a consular army, excepting the auxiliary troops, did not contain more.

Here the army defeated at Mount Gaurus had settled, had received numerous reinforcements and renewed the devastation of Campania. Valerius with as much caution as resolution, did not venture to attack the fortified camp: he sent away all the baggage, which could be the more easily dispensed with, as he was in the neighbourhood of Capua, and formed a small camp, which contained only the armed men, probably of both armies, like the camp of the consuls C. Claudius and M. Livius. Deceived by its appearance, and reckoning the number of soldiers at such as a camp of this extent was accustomed to contain, the Samnites longed to storm it: but their generals did not allow them. Soon obliged to range over the country in search of provisions, they were encouraged by the inactivity of the consul to venture upon such excursions to a greater distance: this was his object. He now made himself master of the feebly defended camp: two legions remained behind as a garrison; the remaining army was divided into detachments to attack the scattered troops of the enemy, and to prevent their uniting or retreating. Every thing succeeded: those who had fought to the death in battle-

array at Mount Gaurus, fled in consternation or laid down their arms. Forty thousand shields of those who were slain and had fled, and a hundred and seventy standards are said to have been piled up before the consul: but we must remember that the Roman accounts of trophies gained by victories and of enemies slain in battle are seldom free from the suspicion of great exaggeration: and this is seen so glaringly in the narratives relating to persons of the Valerian house, that we are led indeed to suspect, that their gentile of Antium has been at work with his audacious fabrications; who usually telling fables from inclination, seems to have fancied that he was here fulfilling a duty.

Such triumphs Rome had not yet seen.

M. Valerius was the first general of his age[230], and no less powerful in the camp by his amiable disposition than by the admiration and confidence he inspired. In the noble games, which delighted the Roman soldiers in the field instead of the dice of the rude hordes in the thirty years' war[31], in racing, in leaping, and in raising heavy levers[32], he competed with every lance-bearer during the hours of relaxation from the important command: he rallied them familiarly and listened to the soldiers' jokes without taking offense[33]. He was the confidence of his nation in war and in civil affairs; he brought about the final peace between the two orders. His life was unexampled in the rich fullness of fortune and the long enjoyment of it. In his twenty-ninth year he conquered the Samnites, in his twenty-third he had been elected to his first consulship; forty-six years afterwards he was invested with it for the sixth time; not as a mere gift of popular favour, but be-

[230] Livy, VIII. 16.

[31] As their habits are described with the most palpable truth in Simplicissimus.

[32] Sallust, Fragm. Hist. p. 284. ed. Bip.

[33] Livy, VII. 33.

cause the republic in a very trying time called upon the aged hero. It is delightful for a great mind to be recognised in early youth, and to be removed from the ranks of ordinary men to a peculiar position: it is still rarer for such a man to find his people steadily looking up to him for half a century, and that too in an age, in which, as was the case with Valerius, the days of his fathers were obscured by its abundance of great men. Twenty-one times did he occupy the curule throne, and he reacht the hundredth year of his life[234]. He lived to see the victory over Pyrrhus and the subjugation of Italy, of which he had laid the foundations: it is true, he saw himself no longer surrounded by great characters, and in the happy time of development[35].

In the same year 407 (412) a detacht Latin army invaded the Pelignians, a tribe of the same race as the Samnites and at that time in alliance with them; an undertaking, which in the eyes of the unprejudiced stands in undeniable connexion with the whole plan of this glorious campaign.

In the following year the supreme command must have belonged in turn to the Latins, for Rome was paralysed by the insurrection of the army: not a single military occurrence is mentioned, and it has been already remarkt, that notwithstanding this apparent inactivity all the advantages gained in the previous campaign remained unimpaired to the allies. It is however probable that during the year 408 (413) new advantages were won, but by the Latins: at the end of the campaign of 407 (412) the Samnites, not-

[234] Pliny, H. N. VII. 48.

[35] Our fathers, before we, now advanced in years, were born, recognised in Götz and the other poems of a young man, who was of the same age as Valerius in his first consulship, the poet who would rise far above all our nation possest, and who could never be excelled. This acknowledgement Göthe has been enjoying for more than half a century; the third generation of mature men already

withstanding the great battles they had lost, made inroads on both sides of the Vulturnus, and even as far as Suessa[236]: so undauntedly did the manly people get over even the greatest defeats. On the other hand in the year 409 (413) a single consular army under L. Æmilius penetrates into Samnium without any hindrance. The Sabellian army was undoubtedly stationed in another district against a more dangerous enemy: the war between Rome and Samnium was already concluded in the minds of the people.

To restore peace and no longer waste the best blood of the nation on a very distant frontier, was imperatively necessary, so soon as there was danger, lest the fruits of dear-bought victories might have been won for others, and the republic be weakened in a twofold respect and brought into danger. After the victories of the first campaign the complete subjugation of Samnium might appear nigh, and in that case Rome would have deprived herself of the counterpoise against the mighty power of the alliance between Latium and Campania. Peace was easily concluded: it was sufficient for the honour of Rome, that the Samnites contributed the amount of one year's pay, and furnisht for the army a supply of corn for three months; but they did not lose an inch of land, and the Romans promist not to hinder them in subduing the Sidicinians, respecting whom the war had arisen, and whose country, if united to Samnium, separated Latium and Campania. A formal

look up to him as the first of the nation, without a second and a rival, and the children hear his name, as the Greeks once did that of Homer. He has lived to see our literature, especially on his account, recognised and honored in forein countries: but he has outlived its time of poetry and youth; and has been left solitary. May he nevertheless, enjoying his eternal power, still cheerfully tarry among us for a long while; may he receive from us as old men the same homage which we paid him as boys: would that I could lay before him this history complete, which he honors with his favour. (Written in the summer of 1829.)

[236] Livy, VII. 38. The Suessanians requested a garrison for themselves.

defensive alliance between the two states[237] followed the peace, or was contained in it. This could only be directed against those by whose sides the Roman soldiers had just before been fighting: but whose growing power now excited uneasiness and envy.

[237] This is clear from the beginning of the Latin war: the consuls march through the country of the Marsians and Pelignians and across the frontier of Samnium, and join the Samnites near Capua. Livy, VIII. 6.

THE LATIN WAR.

The consular year began at that time in summer, about the same time as the Olympic year; it must be supposed that the campaigns generally fell in the autumn; and during the cessation of war, which winter brought, changes and revolutions were prepared. In the year 409 (414), before the Samnite peace was concluded, the consul C. Plautius marcht, still in accordance with the league, into the field against the Volscians of Privernum and Antium. The former purchast peace with two thirds of their domain land: Latium evidently received one third as well as Rome. The war was renewed with the Antiatians for the possession of Satricum; a hard won victory led to the devastation of their territory as far as the sea coast.

But when Rome had abandoned the war against Samnium in consequence of a peace, which was without any doubt contrary to the league, new connexions were of necessity soon formed. The Sidicinians were given over to the Samnites: the Campanians, after the Roman garrisons had been withdrawn, saw no safety for themselves except in the continuance of their alliance with the Latins; they were indeed, when united, strong enough to invade Samnium in the spring of the same consular year with a great army.

Latium and the Volscians of Antium, and all of the Volscian name that may have remained on the sea coast, had now given up the war and become allied to one

another[238], like Rome and Samnium: in the same manner also the Auruncians,—the Volscians on the Liris. Fundi however and Formiæ kept apart, and granted a free passage to the Romans: as to the Hernicans the triumphal Fasti bear witness that they did not side with the Latins: the continuance of the ancient advantageous league proves, that they must have been decidedly in favour of the Romans: and the miserable grudge against their neighbours is enough to explain, why they were hostile to the Latins. But Rome even united with them cannot have been equal to Latium and its allies in the number of its population.

Neither Rome nor Latium was to be blamed for having separated from one another: a connexion, senselessly arranged, had come to the end, which could not be avoided, but could only be put off and delayed. But as it had come to this, it was impossible for them to exist peaceably as separate and friendly states: a hard contest had to decide, whether Rome should be a Latin town, or the Latins be subject to Rome: and for this the nation elected to the consulship the deliverer of the Cornelian army in Samnium, P. Decius, together with T. Manlius. It was the year 410 (415).

The Latins meanwhile wisht to avoid the war by means of a reconciliation: which, judged of according to the equality of two perfectly free nations, was proposed by the one which must have possest in connexion with its allies the greatest military force, rather as a concession, than with any degree of assumption. So far as Livy's narrative may be regarded as historical, the Romans undertook, at least in appearance, to mediate between the Latins and the Samnites. Latin embassadors, the ten first of their senate, and even the two pretors, repaired to Rome, where the senate gave them an audience on the Capitol. These embassadors declared in the name of their nation, that it was clear, that the connexion establisht by their forefathers

[238] Livy, VIII. 3.

was no longer applicable to existing circumstances, and that a change must be made either by war or treaty. They were ready to acknowledge the superiority of Rome, and to exchange the common name of their country for that of the first among all the Latin towns. The Roman name might prevail instead of the Latin. But to give up any part of its dignity and freedom, Latium was as little compelled as it was willing, being now at the head of all the surrounding nations. There was only one true way of connecting the two nations—by a common government and a complete union. Rome and Latium should become one nation: half of the senate should consist of Latins, and one consul be chosen from Latium. It was necessarily implied in this proposal, that the number of the Roman tribes should be doubled by as many Latin ones; that the participation in the magistracies should be extended to all such as were held by two persons; and that all the others should be made capable of such a division by increasing their number. The constitution of the centuries would scarcely have remained, since, if the place of election had been at Rome, as it undoubtedly would have been, the Latins must have foreseen, that their people would appear there in a minority.

Such a proposal was scarcely more strongly disliked by the nobles than by every Quirite, who thus saw his hereditary share in the supremacy divided and curtailed. "What,"— one askt of the other,— "shall we no longer decide our own affairs? the strangers, were it only to rule over us, will unite as a faction and laugh us to scorn, and with the number of their votes will give the decision to the minority, even when it is the very smallest: our youngest tribes, being of their kin and living in their midst, will unite themselves to them, and then we are outvoted for ever. Will that indeed be concord and equality? Will not rather unavoidable exasperation provoke us in a few years to take up arms and chase the foreign oppressors from the forum?" And however much party spirit may

in such cases create dark and bloody dreams, while experience mostly brings the evil in a less violent and lasting form, yet we may still maintain, that this contract would have accomplisht its object little better than the constitution of the decemvirs, the plan of which it resembled very much on a larger scale. The separation between the houses and the commonalty, though in other respects no longer suitable, was still so in regard to candidates for curule offices; for the advantages still remained, which the possession of them, long and exclusively maintained, had gained, though it is true by usurpation, for the families of the first order through historical recollections and wealth. The only way of avoiding this, by making the Roman orders take their turn every other year, as in the edileship, would certainly have been an evil in the highest dignity. Nevertheless equity was entirely on the side of the Latins; they would have esteemed themselves inferiour to the Romans, if they had demanded less; and with whatever contempt the men of Setia are spoken of, Tusculum furnisht the noblest families to the subsequent Fasti. But the senators opposed it all the more bitterly, as the result of the proposition was any thing but certain. They accused the Latins of perjury and faithlessness, they called upon the gods to avenge their cause. It seems however that individuals were not wanting, who did not conceal their wish of avoiding by a treaty, the consequences and duration of which would be left to heaven, a contest the injustice of which would shock every well-disposed mind; and which would differ little from a civil war. In opposition to these, and to prevent the beginning of voting in favour of the proposition, the consul T. Manlius declared, that if the republic should cowardly yield to these demands, he would come armed into the senate-house, and cut down the first Latin he saw there.

The Roman story related, that after the gods had been repeatedly invoked in the senate as guardians of the ancient treaties, the Latin pretor L. Annius of Setia, who

spoke on behalf of the embassy, dared to say, that he defied the Roman Jupiter. The god immediately manifested his presence by an awful peal of thunder and a torrent of rain, and shewed that he would revenge his insulted majesty. Judgement instantly overtook the impious man: as he hurried down the steps from the vestibule of the temple[239] with the vehemence of anger, he fell down from the top to the bottom, and lay there a corpse[40]. The authorities were hardly able to protect the embassadors, so long as they were within the Roman territories, from the wrath of the people.

The legions of their republic, united with the allies, were stationed near Capua against Samnium[41]. It must be supposed, that they had commenced their march thither even before their embassadors went to Rome: if they had expected the near outbreak of a Roman war, they would hardly then have sent their whole force to the most remote distance.

The Romans however drew up and prosecuted a plan for the campaign, which belongs at once to the boldest and the deepest, that have ever crowned a general with laurels. Two consular armies, four legions, were destined for the war: a reserve consisting of the aged, and civic legions, remained under the pretor L. Papirius, who was made dictator[42], in and about Rome. It was probably immediately after the negociations were broken off, that the armies

[239] The Capitoline temple lay upon a prepared area, which extended in front of it: no steps can have led to it, as the ancients never placed any except for the purpose of making an access to a building, which was situated upon a highth. We have therefore probably to understand the *centum gradus*, which led from the Velabrum up to the Tarpeian rock.

[40] This was the statement of *almost all* the annals: *exanimatum auctores non omnes sunt:* Livy, VIII, 6; *some* preferred a fit of fainting, in order to have somewhat less of the marvellous: and these Livy followed.

[41] Livy, VIII. 6.

[42] Livy, VIII. 12.

advanced by rapid marches into Samnium through the country of the Sabines, the Marsians and Pelignians, in all of which the treaty with the Samnites procured them free passage and quarters, so that the cohorts of the Hernicans could join them: describing the arc, the chord of which is formed by the road from Rome to Capua. If the Latins had acted wisely, they would immediately have broken up their encampment and marcht towards Rome: they would then have cut off the consuls from the city, which would thus have been in the greatest danger; they would have had to fight against the Romans alone; and one battle gained might have been decisive, if the Romans had turned aside from their road on being informed of the resolution of the enemy; while the loss of it would not have been ruinous to them in the midst of their own country and among fortified towns. The loss of a battle in Campania was completely decisive for both parties. If the Romans had only taken advantage of the distance of the Latin army in order to attack single towns, they might perhaps have been able to take one or two: if then the army of the Latins and the Volscians had advanced to protect them, the Samnites alone would have been able to decide the contest in Campania, and if Capua had once submitted to them, there would then have been little hope for the Latins of ever extending their empire again beyond the Vulturnus. But the stronger mind prescribes to its weaker adversary the faults which he is to commit. The very boldness of the undertaking fixt the Latin army in the very spot where it stood: for it was still uncertain, whether the Romans would leave their road, and if so, where, or whether they would follow it as far as Campania; the Latins were induced by petty motives to make this country rather than Latium the scene of war; and they must also have easily seen, that aimless marches hither and thither, guided by rumours, would completely ruin them. The Romans would reckon upon these considerations of the enemy, and that they would not abandon Capua, their great acquisi-

tion, to itself and its want of courage: and upon this they *did* reckon in their campaign.

So thorough was the falsification of the Roman annals, that some represented, that the Samnites did not join the Romans till after the battle, while most of them related reasonably, that the Roman army marcht upon Capua united with the Samnites[243]. But the decisive battle did not take place near this town, but at the foot of Vesuvius[44].

When the two armies were stationed opposite one another, the consuls issued a proclamation, forbidding every one under penalty of death engaging in single combat at the outposts, occasions for which might arise the more easily, as Romans and Latins were personally acquainted with one another from former campaigns. It might have been deemed necessary, because a general engagement might easily have arisen in consequence at an unfavorable time, or else they might have been obliged to leave an injury unavenged: perhaps however it was especially intended to prevent the possibility of such quarrels becoming the pretext for forming treacherous designs in consequence of former familiarity[45]. This command could not remain a secret to the enemy: the son of the consul Manlius, who commanded some horsemen, met a Tusculan officer, who made a mockery of the wise precaution of the generals, and the prudent obedience of their men. The young man was unable to control his anger; they fought; and the

[243] Livy, VIII. 11. Compare 6. 10. Dionysius seizes upon the lie as a subject for political discourses. Exc. de Leg. p. 2320. 2323. R.

[44] I call it the battle of Vesuvius: Livy says that it took place at the foot of the mountain, on the road *ad Veserim*. Hence the Romans call it the battle *ad Veserim*: but we do not know, whether this was a place, a mountain or a river.

[45] Where Livy found this mentioned as the cause, VIII. 6. 15, the danger of treachery must be meant: and the words *ne quo errore milites caperentur* should perhaps be regarded as a softening down; *error* instead of *delictum* (see Forcellini). The treachery of Roman soldiers was an unspeakable, an inconceivable horrour.

arrogant enemy fell by his lance. Even a tender heart could not have pardoned this: the insurrection of the army two years before may have left behind a want of discipline, the consequences of which were highly dangerous in such a war, in which all hope of safety depended upon that unconditional military obedience, whereby the army becomes *one* body, of which the general is the soul, and with whom alone it is a living whole. Livy's description of how the deluded young man intoxicated with victory brought the bloody spoils to his affrighted father; and how the latter pronounced his judgement and ordered it to be executed, is magnificent: but a stranger cannot give it such a prominent place in his history. He may however following the great narrator intimate, how the comrades of the unhappy youth burnt the corpse with the mournful trophies, which, had they been won in lawful battle, would have accompanied him in the triumph of his father and adorned his penates; how the soldiers, while the father kept his heart hardened, lamented the youth; how the young men did not go to meet the conqueror, and fled from him and curst him, so long as he lived [246].

In a dream there appeared to both consuls the figure of a superhuman being, to announce, that the general of one of the contending parties, and the army of the other, were forfeited to the gods of the dead and to mother earth. Both agreed, that the one, whose wing first began to waver, should devote himself and the army of the enemy to the lower world. Even before the battle the sacrifice boded misfortune to Decius [47]: it matters not, he

[246] Livy, VIII. 7.

[47] *Caput jecinoris a familiari parte caesum.*—Livy, VIII. 9. The part, by which the liver is united to the midriff, is called by the butchers at Rome *capo del fegato;* this is undoubtedly that same *caput.* Now when the liver was cut away, and was divided for the Aruspicina into the two opposite parts, it was of importance where the knife entered. That predictions should have been given from all the intestines, especially from the liver, is very easy to conceive,

replied to the aruspex, if my collegue has found happy signs.

The Romans conceal the share which the Samnites had in the decisive day: but it was not in the spirit of this people to look idly upon all the life of a battle, drawn up at a distance from the spot[248]: the prize of victory seemed to lie even nearer them than Rome, though the latter succeeded in wresting it from them. Nor could the Hernicans alone have conquered, opposed to the four allied nations of the Latins. Here was the place of the Samnites: the Sabellian battle-array stood opposed to the Oscan, as the Latin to the Latin.

When on the left Roman wing, where Decius commanded, the front line fell back, the consul fulfilled his vow. According to the form of words pronounced by the pontiff M. Valerius, he prayed, clad for the sacrifice, with covered head, standing upon a weapon: Thou, Janus, thou, Jupiter, thou, Mars, our father, thou, father Quirinus, thou, Bellona, ye, Lares, ye, the nine gods[49], ye, the gods of my ancestors, ye, the gods, who rule over us and over the enemies, ye, the gods of the dead: to you I pray, and you I beseech, that ye would bless and prosper the Roman people and the Quirites with might and victory, and send upon their enemies terrour, dismay and death. Thus do I on behalf of the Roman people and of the Quirites[50], on

since changes and peculiarities either diseased or in themselves harmless are never wanting here, and often appear in great numbers.

[248] Samnites sub radicibus montis procul instructi — ! Livy, VIII. 10.

[49] *Dii Novensiles*: the simplest explanation is to understand the nine gods of the Etruscan religion, who launcht lightning. The uncertainty in this matter is one of the clearest proofs, that the early antiquity was a sealed book even to the contemporaries of Cesar.

[50] Respecting the formula, see Vol. I. p. 294, note 752. In this passage Livy undoubtedly wrote: *pro pop. R. Quiritibus*, — least of all, as the common reading has it, *pro republica Quiritium*; and probably not even, as Brissonius thought, *pro republica Quiritibus*.

behalf of the army, both the legions and the allies, of the Roman people and the Quirites, devote the legions and the allies of the enemy together with myself to the gods of the dead and to mother earth."

From that moment he appeared on his horse to both armies as the spirit of destruction, that rusht among the Latin legions. Horrour went before him: and when he sank down[251] pierced through by darts, the Latins gave way: but they were still unconquered. Foreseeing that a single battle must decide the whole contest, the consuls had armed the reserve-cohorts, the accensi, with spears, and trained them as troops of the line; it had never occurred to the Latins to go beyond the rules of what was customary. In a battle fought with equal determination and equal strength, the coming in of a reserve still fresh, is quite decisive, if an equal one cannot be opposed to it. When the antesignani of both armies were tired, the accensi stept in on the side of the Romans; the enemies were then obliged to bring up their triarians: these too Manlius contrived to wear out, before he led forward his triarians, who irresistibly decided the day[52]. After the most resolute resistance there followed a general flight and an immense carnage. Scarcely the fourth part of the Latin army is said to have escaped. Immediately after the battle the victors conquered the camp; the prisoners were very numerous, especially the Campanians. The body of Decius was not found till the following day under a heap of slain enemies, and was buried with great splendour.

The remains of the Latin army, abandoned by the Campanians, who, as we have no reason to doubt, surrendered their city soon after the battle upon the tolerable

[251] There was also another account, according to which he was killed as a devoted victim by a Roman soldier (Zonaras VII. 26): fortunately there are no means for ascertaining the truth of this horrible deed.

[52] The foundation of Livy's account is genuine and excellent, it only requires to be completed.

terms of the victors, did not assemble, till they reacht the Ausonian town of Vescia[253]. Some towns may have made up their minds with hesitation and irresolution to declare against Rome, a step never to be atoned for[54]: they may even now have remained behind or sent newly formed cohorts: nay the Latin general Numisius, who implored the nation not to give up the war, succeeded in calling forth a general rise of the people. Calculating upon the loss of the Romans, which had indeed been very great, he ventured with his disorderly army to accept a battle near Trifanum, between Sinuessa and Mintûrnæ, in order to prevent the consul from crossing the Liris. This river cut off their retreat when beaten; and the defeat of the Latins was so complete, that the whole confederacy broke up, and the towns submitted one by one. That all did so[55], is highly improbable, as the war continued; and is perhaps only an inference from the fact that the senate past judgement upon them, and disposed of the Latin domain land. Those towns, which had opened their gates, were judged by the victor during the winter. The blood, which must have flowed according to the unalterable principles of Roman conquest; the blood, which Manlius, driven on by the furies of his son, must have shed as consul, is withheld from our sight by the softening character of history. We have only information respecting the distribution of the Latin domain land, which had fallen into the hands of the conqueror by the dissolution

[253] Undoubtedly the modern S. Agata di Goti, where many antiquities are found, which prove the existence of an ancient town. The neighbouring mountains, which are on the right of the road to Capua, are unquestionably the Montes Vescini.

[54] The contingent of Lavinium received intelligence of the defeat just as it was marching out of the gates. The expression of their pretor Milionius, that they would have to pay dearly to the Romans for this short distance, seems to intimate that they discontinued their march, and thought that the matter would thus be forgotten.

[55] Livy, VIII. 11. Adeo accisae res sunt, ut consuli—dederent se, omnes Latini.

of the confederacy, and which with two thirds of the Privernian territory, and of the Falernian district as far as the Vulturnus, — the latter was the property of the Campanian republic, — was divided among the Roman people; but in such a manner that the nobles must still have retained a large domain [256], for on this side of the Liris each person only received $2\frac{3}{4}$, and on the other side $3\frac{1}{4}$ jugers. The Campanian knights, because they had remained true to Rome, received the Roman franchise, the municipium: the republic of Capua was charged with the obligation of paying to each knight, of whom there were only 1600, a yearly pension of 450 denarii. It has been already remarkt, that they must have declared in favour of Rome by an ordinance of the curies, contrary to the treaty with the Latins. The pensions were perhaps assigned to them, as a compensation for the Falernian district, which they may have used as the domain land of their state: the greatness of the sum, 720,000 denarii, is a remarkable proof of the wealth of Capua. Thus the great, and, if she had but wisht it, mighty city was divided, and her nobles, like the proprietors of a public debt, bound to the fate of Rome.

What the Samnites gained by this war, we cannot say: probably the privilege of extending their territory towards the upper Liris. Capua escaped them: and yet their alliance with the Romans cannot be blamed as an imprudent measure. For Latium, if it had conquered, would have been just as dangerous to them, and Rome and Latium united into one state with their strength unimpaired would have been still more dangerous than victorious Rome: and the union was to be expected, if they had left Rome to herself; now the two nations had bled and weakened one another, before they were united under one soverainty.

In the same year 410 (415) the pretor L. Papirius was

[256] Hence the complaint of stingy assignments: *ager maligne plebei divisus.* Livy, VIII. 12.

made dictator against the Antiatans, who were ravaging the Roman districts and those faithful to her; he conducted the war on the defensive. Livy supposes, that this took place after the return of Manlius: it is much more probable, that all this happened during the campaign in Campania: for there was every reason for leaving behind a dictator, before both consuls went so far: after the return of Manlius on the other hand, there was none.

The perseverance of Antium encouraged the towns, which were still in arms, to hold out, and perhaps several others to revolt in the following year 411 (416), which had already submitted and were now in despair on account of their sufferings.

An army gathered together from Tibur, Præneste, Velitræ, Antium and Lavinium [257] near Pedum in the Prænestine mountains. From the fact that this campaign was conducted very languidly, one sees clearly, how bloody and exhausting the preceding one must have been for Rome also. The consul Q. Publilius beat the insurgents in the field, but his collegue was unable to take Pedum.

The conquest of Latium was completed in the year 412 (417). The Latins had renounced the hope of resisting in battles: each town confined itself to the defense of its own walls, and in case of an attack hoped to receive help from the others. The consul C. Mænius defeated on the river Astura the Veliternians, Aricinians and Lavinians, who had advanced to relieve the Antiatans; and L. Camillus the Tiburtines and Prænestines, who had attackt him near Pedum, while the besieged were making a

[257] This reading is probably more correct than Lanuvium, for the Fasti inform us that there was a triumph over the Lavinians in the year 412 (417). After the destruction of the Latin state, the ancient masses come forward again: here Tibur and Præneste, there Velitræ and Antium, which are joined by isolated portions of the other Latins accustomed to obedience. The Ardeatans, whose country on the side of Antium was laid waste, may have remained quite faithful.

sally. Pedum was scaled on the same day. After these defeats all the Latins laid down their arms, and Roman garrisons were placed in their towns. The whole affair was quickly decided: the consuls, who certainly did not return home till every thing was completed, triumpht at the latter end of September [258].

But Rome would have become weaker by its victory, it would have lost the troops which till then had doubled the legions, and the insurrection would have burst out again on every opportunity, if the senate had not adopted a system of moderation and prudence. The Latin people were divided; some, raised to the rank of Romans, became separated from their old friends and opposed to their wishes and undertakings: the most powerful towns were weakened and humbled, without the whole nation regarding it as their own cause. Livy's instructive account of the determination come to respecting the fate of Latium, is not only without doubt extremely incomplete, but is certainly not free from great inaccuracy. He represents Aricia, Nomentum and Pedum receiving the franchise in the same manner as Lanuvium [59]: but this is contradicted by the fact, that the classical description of the three kinds of municipium places the Aricinians on the same footing with the Anagninians, as those whose whole body of citizens was received into the Roman state; that is, as subjects and without the suffragium; whereas it mentions on the contrary the Lanuvinians and Tusculans as isopolites, adding, that they became afterwards Roman citizens [60]. That the Aricinians received only the Cærite right of subjects, is also supposed by Velleius, since he mentions them in the list of colonies, and does not speak of a single place which obtained the full right of the Romans [61]: and in truth it is not credible, that the inhabitants of Pedum,

[258] See the Fasti. It must be remembered, that they entered upon their office about the beginning of July.

[59] VIII. 14. [60] Festus, s. v. Municipium. [61] I. 14.

whose town had been the centre of the most obstinate resistance and had been taken by storm, should have been thought worthy of such good fortune. The Lanuvinians on the contrary were valued as very faithful allies, and it is only through a slip of the pen, by which their name occurs instead of the Lavinians, that it appears as if they had taken a vigorous share in the continuance of the war, just like the Aricinians. Hence the mistake, into which Livy has fallen, is plain: he found it stated of those three towns in the same manner as of Lanuvium, that the civitas was given to them, and did not consider, that happiness or misery was given with it, according as it was either the civic franchise or the condition of subjects. Some Latins however must have received the former with all its privileges, because the next censors formed two tribes, the names of which afford evidence, that their regions lay in Latium[262]: now as the Mæcian tribe had its name from mount Mæcius in the neighbourhood of Lanuvium or from a place lying near it, it may be supposed with certainty, that the Lanuvinians were enrolled in this tribe as full citizens. The mention of them as isopolites therefore refers to the previous time during the dissolution of the Latin confederacy, when the connexion between them and the Romans, which had been broken off, was restored in their case as well as in that of the Tusculans. Concerning the latter people Livy said, that the franchise, which they possest, was left to them: and it cannot be supposed that they obtained a more perfect one at this time; it is rather more probable that they were degraded, since at a later time in conjunction with the Veliternians and Privernatans they began a desperate enterprise, such as probably would never have come into the minds of full citizens.

The Antiatans were deprived of their galleys, with which they carried on piracy. They were forbidden to send any more armed vessels to sea for the time to come.

[262] Livy, VIII. 17. Tribus additae Maecia et Scaptia.

Their town was made into a Roman port-colony, and accordingly received three hundred colonists; but the old Antiatans were also received as citizens; consequently they retained a part of their landed property, although not so much nor the same as each had possest before. For the whole territory was measured and divided, and even with regard to that part, which did not come into the hands of Roman colonists, the separation was made by lot. Velitræ was treated severely: the walls of the town were destroyed, the noble houses banisht across the Tiber, and their fields distributed among Roman colonists. Velitræ belonged to the Scaptian tribe[263]: it is possible, that it was assigned to the tribe as early as 417 (422), and that the Roman colonists did not form a civic community of their own. Tibur and Præneste lost a part of their territories: their subject towns were undoubtedly taken from them, and came under the direct soverainty of Rome. But their isopolity was restored: down to the Julian law there existed a treaty with them, by virtue of which every Roman might go to them into *exilium*[64]: this was without doubt, with the exception of the equality, the treaty of Sp. Cassius. The isopolity also remained with the Laurentines, and probably with others also, where it is not mentioned: in the same way that others, who received the civic franchise, may have been past over.

Diets were forbidden to the whole Latin people; the right of lawful marriage and of holding landed property was limited for each citizen to his own particular town[65]. Thus not only could no league be formed by a decree of the magistrates, but insurrections, if they occurred, were only tumultuous movements: the towns gradually became estranged from one another, and as is usually the case with neighbouring communities, so soon as they became alien-

[263] The Octavii sprang from it, and belonged to the Scaptian tribe. Suet. Octav. 40.

[64] Vol. II. p. 63. 64.

[65] The fundamental law is in Livy, VIII. 14.

ated, they hated one another: in a decayed town no Latin that did not belong to it was allowed to purchase lands exhibited for sale: they fell into the hands of Roman citizens [266].

With Capua, Cumæ, Suessula, Fundi and Formiæ as allies a municipium was establisht [67], such as previously the whole of Latium had possest. They were just as free as Latium had been; but still not so perfectly equal to Rome. Their services in the army entitled them to a share in the conquests: their contingents were commanded by their own officers. They were always separate: the combination of the Latins with the maniples was an accidental circumstance.

The recollection of the victories, by which Rome came forth as soverain from this war, was perpetuated in monuments. A part of the Antiatans' galleys was taken to the ship-dock at Rome; from another part the rostra were cut off, and applied as an ornament to the suggestum [68].

[266] It should be unnecessary, but perhaps it is not so, for an historian who represents measures so deeply calculated and so well adapted to their end, to guard himself against the charge of doing it with pleasure. I am very far from considering Rome's decision on the fate of the Latins noble and generous, or that it possest a righteous cause in this war: but moral reflexions are idle; there is no danger of a reader taking the part of Rome. Sympathy with the unfortunate is quite a different thing, and that is due to the Latins.

[67] Velleius's statement (I. 14) of the time, when Capua, Fundi, Formiæ obtained the civic franchise, is contradictory to that of Livy. We must believe, that he had before his eyes a totally false table, which extends over that whole chapter of his in a manner, which is for the most part unaccountable.

[68] Livy, VIII. 14. XXXVI. 3. The statement, that their fleet contained only six ships, which occurs in a declaimer, who constantly takes delight in giving prominence to all numbers in antiquity that are childishly small (Florus I. 11), is perhaps only an inference from so many having been probably inserted in the suggestum at Rome. In the long wall, that runs in an angle towards the three columns, which among many totally wrong names have for a very long time borne the name of Jupiter Stator, but which belong to the Curia Julia, I have discovered the Rostra nova, and from them the form of

According to Livy equestrian statues were erected to both consuls [269]. Pliny's [70] silence does not prove, that L. Camillus did not share in this honour: so many ancient statues had perisht. But his statement, that the statue of C. Mænius was placed upon a column, is too explicit, not to deserve greater credit than the cursory one in the annals.

the old Rostra may easily be conceived. It was a suggestum many paces in length, but not broad: at both ends a flight of steps led up to it: the speaker moved to and fro on a wide space: there was sufficient room for erecting the statues upon it, to which this place of honour was assigned. The old Rostra lay between the comitium and the forum, so that the speaker might turn either to the one or the other. The substance of the new Rostra consists of bricks and casting-work, but it was of course cased with marble: the old Rostra were probably constructed entirely of peperino. They faced both places of meeting with a wall perhaps 10 feet high: it was in this, that the beaks of the ships were inserted.—The Greeks also mutilated conquered galleys in this way in order to have trophies: this is ἀκρωτηριάζειν.

[269] VIII. 13. [70] XXXIV. 5.

THE LAWS OF THE DICTATOR Q. PUBLILIUS.

From the time that the number and personal importance of plebeians in the senate had become great and went on increasing, and as in like manner the number of noble-minded patricians was ever extending, who were heartily tired of the vexatious conduct of their unmanageable brother-patricians, and along with the leaders of the plebeians strove joyfully onward,— there must have arisen an important and mischievous discord between the majority of the patres conscripti and the common council of the patres the curies. It was sure to be the case, that the majority in the latter, possessing no experience gained by the management of public affairs, without any responsibility for the success, and lamenting the times, when the senate represented their claims to their ancient privileges, raised protestations on all occasions, and gave themselves up to great exasperation, especially against the sensible members of their own order, and decried them as apostates. It was necessary that such a state of things should be done away with, in which a faction, that was daily sinking in relative power and importance, disturbed the senate in its vocation as the government.

That this was not the party feeling of one order against the other, but the rational feeling of the good citizens and the friends of their country towards the contemptible dis-

turbers of the peace, is plain even from the fact, that it was a patrician of one of the very first houses, the consul Tiberius Æmilius, who, when the conclusion of the campaign of 411 (416) afforded leisure, invested his collegue Q. Publilius Philo with the power of the dictatorship, in order to remove the evil by laws, which, if proposed by tribunes, would have taken a far more stormy course. It is foolish to speak as if the consuls were united by friendship and opposed to the senate: Philo must have been made dictator by the senate: and as he could propose laws only to the centuries or the curies, and not to the tribes, he could only do it in pursuance of an ordinance of the senate. Consequently they were not the arrogant schemes of a demagogue, but resolutions of the senate, in which, twenty-seven years after the Licinian laws, the majority probably still continued to be patricians. Q. Publilius however, a member of the house, probably a desendant of the tribune Volero, through whom the commonalty had become a branch of the legislature, was assuredly, as well on account of his descent as personally, delighted and called upon to complete the liberties of his order.

That it was found necessary to appoint a dictator in order to carry the laws, shews that violent opposition was expected: it may even be, that the senate intended to frighten the curies into a renunciation of their privileges. Such circumstances betray the fiction of a voluntary acceptance of laws in deliberative assemblies; and as we have seen, that a senate, which boasts with truth of being the wealthiest assembly in the world, and wishes to be regarded as the most illustrious, past with a very great majority an improvement, that had been hitherto rejected with stubborn obstinacy and great majorities, so soon as the ministry had exprest its decided determination,—so in truth it might have been found unavoidable and pardonable at Rome too, to overcome the senselessness of a deliberative assembly by such means, as the supreme government had at its command.

The first law enacted, that the patricians should confirm the results of the votes respecting laws brought before the centuries, previous to the commencement of the voting: in other words, the veto of the curies in the enactment of laws by the centuries was abolisht. There was still however plenty of obstructions in their way: for no decree could be made by the senate, except on the proposal of the consul, pretor or dictator; and respecting such a decree the centuries could only vote with yea or nay; and could neither take away nor add any thing to it. If they rejected a salutary measure, the curies could make no alteration: but if the senate and the centuries were agreed, it is impossible to conceive that the opposition of the curies should have had any other ground than prejudice and spitefulness. So long as the curies saw themselves and their sentiments reflected in the senate, their confirmation was a matter of course and a superfluous formality: the formality therefore remained as a recollection and a relic, in order to eradicate nothing without leaving a trace.

The case was different with the confirmation of the curule offices, where the senate had no vote, and when some kind of a veto upon elections perfectly free might seem salutary, or at least a lesser evil. Here they retained it nearly half a century longer; till the silly spirit of the oligarchy continually growing worse, and its hostility to the nobless that was already fully developt, rendered it impossible to leave such means of disturbing the peace in the hands of a senseless body.

It is beyond doubt that the abolition of the veto of the curies was the substance of the second law also, which is reported in the same words as that of the consuls L. Valerius and M. Horatius and of the dictator Q. Hortensius: namely, that plebiscita should bind all Quirites. For hitherto the assent of the senate and the confirmation of the curies had been required; now the former was sufficient in order to raise an arbitrary measure to the rank of a law. The senate now represented the patres

altogether, and posterity forgot, that the approval or rejection of the patres had ever been different from that of the senate. On the other hand the people — the name commonalty has now become improper for them,— now succeeded to the place of the old populus in cases, where it had been usual in former times for the latter to sanction and confirm the decrees of the senate; and where afterwards in the development of the constitution it was enacted, that the commonalty as the third branch of the legislature must give their assent, and might reject. Thus it now became customary to say, that decrees respecting the administration prepared by the senate were brought before the populus by the tribunes; decrees, which until then may have been merely brought before the curies, partly without any participation of the plebs. This phraseology became afterwards so firmly establisht, that we cannot wonder, that the annals even in the preceding period, where the plebs only acted by confirming a jussum populi that had been previously past, speak of proposals of the tribunes to the populus; with which in its proper sense, and so far as the centuries too are understood under the name, the tribunes of the people never had any thing to do, nor ever could.

Lastly as the people now represented the populus, and the auspices were essential and indispensable in their votes, the tribunes had to observe them in making such decrees: and thus it must have come to pass, that they took the auspices too[271]; and it must have been introduced on this occasion. Now if any one should observe that the patricians were thus unfairly excluded here altogether, that the tribes of the nations, in which they too were contained, ought to have been assembled, and that the tribunes of the people ought to have been elected without restriction from both orders, I would willingly own that he is right: only I believe that the patricians would hardly

[271] Zonaras (VII. 19).

have allowed themselves to be convoked by a plebeian tribune: and for the republic it was indifferent. For revolutionary proposals, if they had been possible, would have been opposed by the distinguisht plebeians with equal determination, and with greater favour in the assembly: by the senate unanimously. But it is certainly true that something was omitted, which would have been truly salutary: the creation of a new power to strengthen the senate in its opposition to the people: out of the two ancient orders, which had already become entirely estranged from their original significance and nature, a knighthood should have been formed, the idea of which though vague and unattainable floated before the minds of later statesmen. But this very proposal, if it had been possible to hasten with prophetic spirit so far in advance of the present wants, would have been rejected by the haughty patricians still more violently than the complete abolition of their rights, which they constantly dreamt of recovering.

Many changes, which in earlier times would have met with an implacable opposition, are afterwards unhesitatingly adopted as a necessary consequence of circumstances. The third Publilian law, which applied that of Licinius to the censorship, so that one censor was always to be necessarily a plebeian, was probably not even disputed at all, especially by the side of those other ones. Still it was salutary and served to remove irritations; the right of the plebeians to this office was admitted by the election of C. Marcius.

By whatever means the consent of the curies to the first two laws may have been obtained, all were past in due form: and however defective they may have been, they were for the present a blessed boon, and remained so for a long time to come. Internal discord was banisht by them; a lasting foundation was then laid for an extensive state, which had grown up quickly, and a far more brilliant future prepared for it: then began that golden age of

Roman virtue and heroic greatness, which awoke the attention of the Greeks to the nation of barbarians that was growing up with might, and which filled them with admiring astonishment: an age, which the world has seen only once, and to which even the censor Cato lookt up with sadness from the midst of a degenerate race.

INTERNAL HISTORY DOWN TO THE CAUDINE PEACE.

In several years of this period there appear symptoms of the patricians not having yet renounced the foolish dream, of winning back by stubbornness the privileges irrecoverably lost[272]: their attempts, though tormenting and vexatious, did not endanger the peace, because, though they were inflexible enough to renew the contest continually, they were still not so rash as to venture upon extremes, when they encountered the resistance which they dreamt had ceast. Many were still alive in the vigour and maturity of their age, who retained the ineffaceable recollection of their old exclusive dominion and indignation at being conquered: it was necessary for another generation to step into their place, which knew of the olden time only as a matter of tradition, before there could be peace; and few of their grandchildren would have been so blind as to wish, even if it had been possible, to recover then what had been lost, and to take it in exchange for that which had arisen for them and for all: but the undertaking could not have succeeded, and the wiser descendants of both parties must have regarded it as the greatest good fortune, that irrational strife did not annihilate the equipoise in the republic by injuring the aristocracy.

The same feeling is manifested by a dictator being appointed for some time almost every year to hold the comitia for elections; but a plebeian raised to this dignity

[272] See above, p. 71.

was compelled by absurd pretexts to lay it down; and after this fourteen interrexes followed, as on a former occasion five, before the election of the consuls was completed[73]. It is more probable, that these presidents refused to accept votes for the plebeian candidates or that the curies refused their sanction, than that the comitia were put off under various pretexts[74]; the patricians did not wish for anarchy, they only wisht to force certain elections. But all the contest and struggle, respecting which Livy himself may have read but little in the brief annals, but of which we may form some idea by what Cicero relates[75] about Curius, always ended with an election in accordance with the Licinian law.

In the year 418 (423), thirty years after the pretorship had been separated from the consulship in consequence of the Licinian law, this dignity was conferred for the first time upon a plebeian, Q. Publilius Philo, the author of those salutary laws explained above. At that time, and for some time afterwards, the lower curule dignities were not regarded as steps to the highest, from which no one descended to the former again. The pretorship and the curule edileship were objects of ambition[76] after repeated consulships and triumphs, and the more so, as the laws of the year 408 (413) had limited the repetition of the consulship: and this appears to have remained unaltered until the time, when the edileship was burthened with liturgies so heavy, that in order to induce the Roman love of economy to submit to them, it was found neces-

[73] Livy, VIII. 17, 23.

[74] Dilatis alia atque alia de causa comitiis. Livy, VIII. 23.

[75] Brutus, 14 (55); see above, p. 71. In Livy too, (X. 15,) the patricians reproach Q. Fabius for not endeavouring to get two of their order elected.

[76] As the example of M. Valerius Corvus shews, see above, p. 37. Pliny, H. N. VII. 48. See also Livy, X. 9, where Licinius Macer is an incomparably better authority than Piso, nay than any one else, as he was the only one who examined original documents.

sary to require the discharge of them as a step to the higher dignities.

Among all the men of his order certainly no one surpast Q. Publilius in that authority, which was required by him who was the first to open to his order the career of a new honour: but the legislator of 411 (416) had a direct vocation to the task. If things which have happened are so completely buried in oblivion through the accidental silence of a superficial historian and through the accidental loss of other sources, as to preclude the possibility of divining them: if it is only in the history of antiquity,—notwithstanding the more precise development of the laws and the gradual progress of events, which were not hurried onwards as in our days by tempests blowing from afar,—that chaos and confusion are the deities whose soverainty must be faithfully defended; then we must in this case as well in others confine ourselves to what Livy relates: to wit, that the patriotic consul C. Sulpicius, who presided at the election, refused to receive any votes for the plebeian, but that the senate, since greater privileges had been lost, yielded with respect to the lesser. But if we investigate Roman history on the only conditions which render it worth knowing, we shall not believe, that a single plebeian, however great his authority may have been, could have attempted to intrude into a dignity to which his order had no claim; nor that he could have succeeded accidentally, while withal it again depended in the same manner upon chance, whether his example should be followed for the future or not.

The pretorship was without any doubt divided by law between the two orders every year in turn, before a plebeian candidate could sue for it; and as Q. Publilius establisht the division for the censorship, so he must have obtained the same for the pretorship, probably by a fourth law of his dictatorship which Livy overlookt: hence he is the first plebeian pretor, in the same manner as he was censor for the next lustrum, assuredly too not by accident.

This secure establishment of the equipoise of the orders against arbitrary power and chance, by which the one, whose strength was departing through the force of circumstances, was prevented for its own good from making daring attempts to recover what it could not hold, and by which oppression was checkt in the one that had gained the ascendency,— this is peculiar to the Romans. Examples of this division, which could take place only after the years in which there had been *one* pretor, and which after the institution of a second pretor was probably regulated in accordance with the example of the other curule dignities, are perhaps wanting on account of the meagreness of the Fasti: when four pretors were appointed every year, two of them were patricians and two plebeians even in the Hannibalian war, although all the laws respecting the elections, which might have excluded a person decidedly superiour in those times of pressing danger, were then suspended[277].

By the abolition of the pledging of personal liberty the whole plebeian order was at the same time freed from a degrading stain and from tyranny. It has been shewn that bondage for debt affected them only[78], and that its whole severity continued even after the twelve tables[79].

This great change in the civil law, and the influence of which upon the civil relations was at least as great as a change in the constitution, is expressly placed by Livy in the year 424 (429)[80], and as the importance of the subject

[277] See in Livy's third decad the names of the pretors in every year. Institutions of this kind for the advantage of a decaying order, which has no principle of renovation within itself, cannot last for ever; here too in the end the insufficient number of able men among the patricians decided the question, and from the termination of the war with Hannibal we find that that rule is set aside. The yearly alternation in the edileship was observed still longer. See above, p. 42.

[78] See Vol. I. p. 567 foll.

[79] Vol. II. p. 331; compare p. 597 foll.

[80] VIII. 27.

requires an investigation of it, and as the time when it was brought forward cannot after all be wrong by many years, I will speak of it in this place. Otherwise it is certainly more probable, that the law which was brought about, according to tradition, in consequence of the Caudine calamity, was given by C. Pœtelius as dictator in 435 (440)[81], whose name erroneously led Livy, or those from whom he copied, to refer it to his consulship twelve years before.

All the writers, who speak of this event, relate unanimously that a youth who had given himself up to slavery for the debts of his father[82], was solicited, threatened, and at last ill-used, and scourged by the usurer, to compel him to yield to his shameful lust. He preserved his chastity, and found an opportunity of escaping from the prison and taking refuge in the forum among the people, whose strong sympathy wrung from the senate the abolition of the impious law. Livy, at least in the critical editions, calls the unfortunate youth C. Publilius[83]: Dionysius undoubtedly the same, but Valerius Maximus, T. Veturius[84]. The two last agree in stating, that the father had fallen into poverty through being an officer at the capitulation of Caudium. This uncertainty, and on the other hand the express mention of the usurer under the name of the proudest patrician

[81] This would be quite establisht, if the Florentine manuscript of Varro in the passage so dreadfully corrupted in the editions, VII. 5, (VI. p. 101,) came nearer to the emendation (probably of Vertranius), in accordance with which it is quoted by Sigonius (on Livy, VIII. 28), and silently approved of by Scaliger: *C. Poetelio Visolo dictatore.* But the manuscript reads: *C. Popillio vocare sillo dictatore.*

[82] It throws light upon customs and family law, that Dionysius, Exc. Val. p. 2338 R., relates, that the cousins did not supply the poor youth with the contributions for burying his father, upon which he had reckoned.

[83] It could not be Livy, but only a copyist, that considered Publius a family name, which sad mistake however seems to prevail in *all* the manuscripts of Livy, since Drakenborch says of the best, that their reading is the same as the alteration of Helenius, who however allowed Publius to stand.

[84] VI. 1. 9.

of the time, L. Papirius, make us suspect the story of the specified case, of being a tale which is worked up by hatred: but we have no reason for doubting, that the slavery of the nexus for debt was abolisht by a Pœtelian law. It forbade the pledging of the person for the future: it abolisht it in the case of all who could swear that they possest sufficient property to pay their debts[285]. This was for the *nexi*: it secured the *addicti* against chains and fetters, with the exception of what had been imposed for crimes until they were atoned for. In such cases addiction and private imprisonment occur in Plautus as the most severe means of compulsion, from which however the person escapt who was able to pay the sum he was condemned in, inasmuch as Ballio must be regarded as a freedman, and as such men were fully lookt upon as citizens even at that time, we cannot say that the benefits of the Pœtelian law for plebeians did not extend to him: in the same way we find in Livy during the Hannibalian war persons in chains who were condemned to pay money, just as those guilty of heavy crimes in prison.

Instead of the body, property was to be pledged for debt in two different ways. A fictitious sale of quiritarian property for the purpose of pledging, the *fiducia*, was substituted for the *nexum* of the person: and the adjudication of the property for the *addictio* in cases where the contract for the loan had not been concluded in the other form, because the borrower had not sufficient quiritarian property, or because a different form had been chosen from some other motive, or when the debt had arisen in any other way than by borrowing.

Now whether it was because the addiction was accompanied by a *diminutio capitis*, or whether it was a peculiar severity of the law, the effect of this disgrace, even when

[285] Omnes qui bonam copiam jurarent, ne essent nexi, dissoluti. Varro has this important addition, instead of which Livy speaks of an unconditional restoration to freedom.

in a lower degree and when the pretor assigned the property of the debtor to the creditor, was loss of tribe and civil infamy: and this not only in the case of a complete bankruptcy, but even when the debtor came again into possession of his property [286].

The abolition of the sale of a man's own person did not however prevent a father from selling his son either on condition of remancipation or absolutely: and the former must frequently from its very nature have occasioned real slavery for debt.

[286] Upon this rests the whole importance of the question, which is debated in the oration for Quinctius, whether the adjudication of his property, which had been revoked in any case, had possest legal power; hence it is a *causa capitis*: c. 8. (31.) 9. (32.) —Ἀφείσθω πᾶσα μὲν οὐσία, πᾶν δὲ σῶμα, πᾶσα δ' ἐπιτιμία πολίτου, ἀρρύσιαστος, ἀπό τε δανείου καὶ ἄλλου παντὸς συμβολαίου. Dionysius, VI. 41. 'I have lost money that I have lent to many, says Appius, Dionys. VI. 59, but οὐδένα τῶν ἀποστερησάντων με πρόσθετον ἐποιησάμην οὐδ' ἄτιμον.

ALEXANDER OF EPIRUS.

It is an essential part of the vocation I have chosen,—in clearing up the history of Rome, so far as my powers and the existing resources allow, in such a manner, that it may become no less familiar and perceptible than that of modern times, in which we have not lived ourselves,—to give such a representation of the nations and states, with which Rome came into contact in the extension of her empire either in relations of friendship or in war, that the reader instead of a mere name, such as that of Epirots or Ætolians, may know in general outlines, what was then the extent of their state, what their power, and what their constitution and mode of living. These representations are in general the fruits of an attention directed from early life to all notices respecting nations and periods that have been despised and overlookt; and in some cases of enquiries not less laborious than those, by which I have brought into order the chaos of the early times of Rome, but with which I shall avoid increasing the size of a work, whose unavoidable expansion leaves me on the borders of old age little hope of completing it.

The expedition of king Alexander of Epirus to Italy gives occasion to such a digression; an event, which had, it is true, no immediate connexion with Roman history, with the exception of a treaty that produced no results, and respecting the indirect effects of which little can be ascertained with certainty in consequence of the confusion in the relations of Magna Græcia, but which nevertheless

had an influence that affected the relations of the Romans to the people of those countries. It would however interfere with the connexion of the real history of Rome, to defer this digression to the year, under which the annals speak of the treaty, by means of which alone Alexander of Epirus belongs to Roman history [87].

The Greek cities in southern Italy had fallen into the deepest decay through the wars with the Lucanians and the elder Dionysius; Posidonia, which had been obliged to receive a barbarian colony, had not met with the hardest fate among those that had been compelled to open their gates to the enemy; others lay in ruins, or were scantily inhabited again by a forein population or a few of the old inhabitants, that had returned from slavery. Even in those that had maintained their independence, the flower of their citizens had vanisht, and after the loss of the extensive territories they had once governed, they were confined to their walls, within the wide circumference of which the inhabited part became every day more narrowly contracted [88].

Tarentum had, it appears, remained neutral in the war against Dionysius, and a similar separation from the common cause of the Italietes was perhaps the reason, that the Lucanians did not turn their arms against that country till a late period. The Tarentines even made war upon the hard-prest Thurii, which continued the hopeless struggle against the Lucanians with a perseverance unusual among the Greeks of those times, and seem to have forced it to give up a part of its territory [89]. But when the

[87] (In the margin of the manuscript I find here the following scattered allusions without references and detail: relation of Rome to the Greeks. — N.B. Revolution in Syracuse; expulsion of the γαμόροι ὑπὸ τοῦ δήμου. καὶ τῶν σφετέρων δούλων καλεομένων δὲ κιλλικυρίων. Herodot.—At Cuma too there was an aristocracy. Dionys. VII. 4.)

[88] Posidonia, Caulonia, Rhegium, Hipponium, Croton.

[89] Cleandridas, the Spartan exile, who was the mediator of the

revolt of the Bruttians separated the Lucanians from the southern Italietes, they directed their whole force against the Siritis; and Tarentum with Metapontum and Heraclea could not with their own militia resist the Italican cohorts, although Tarentum about the middle of the fifth century, which was then just beginning, counted among its citizens 20,000 foot soldiers and 2,000 horsemen. In this city a democracy had now existed for a long time, because the nobles had fallen in the frightful defeat by the Messapians[290]: as the extraordinary population of the Greek colonies is only conceivable by the admission, not only of Greeks of all nations, but also of natives of the country, so the latter were probably registered in different tribes, and the descendants of the pure Dorians probably enjoyed privileges confined to their race, in the place of which a general equality was brought about by the consequences of that unfortunate day. Very many things peculiar to Italy seem to have become establisht in Tarentum through the mixture of the citizens, whose intercourse with the Italican nations must have been incomparably more frequent and important than with old Greece. Woollen cloth manufactures and dyeing, which have at all times been most favorable to the growth and maintenance of a large town-population, must have been the chief sources of the wealth of Tarentum: the flocks, which spent the winter on the Galæsus, were driven in the summer into the mountains of Abruzzo: the inland districts could provide themselves with the finest salt from Tarentum: and thus Tarentum and Samnium were naturally united to one another[91]. The fact of Tarentum being forein to Greece

peace between Tarentum and Thurii (Strabo, VI. p. 264), is probably no other than the one, who was on the side of the Thebans in the battle of Leuctra: for Leandridras is evidently written wrongly (Diodorus, XVI. 54): and the same general of the Thurians against the Lucanians, whose exploits are related by Polyænus (II. 10. 2. 4) under the name of Cleandrides.

[290] Aristotle, Polit. V. 3.

[91] Friendship of the Samnites for the Greeks. Strabo, V. p. 250.

proper, explains why it never appears as a maritime power, notwithstanding its considerable navigation and its very rich fisheries.

The Tarentines have drawn contempt upon their memory by the criminal frivolity, which hurried them into the war with Rome, and perhaps still more by the want of respect with which Pyrrhus treated them; but this contempt, at least for the earlier times, must be unjust. Archytas was their fellow-citizen, and his wisdom and knowledge did not render him unfit in their eyes to manage the state and command their armies; merchants, artizans, sailors and fishermen could not form an infantry of the line, to which the spirit of the Greek democracy was in general opposed; and when Tarentum hired mercenaries, it was certainly just as excusable as Athens; and was compelled to do it no less than Florence, after the democracy had become tyrannical; and like Tarentum, Florence too took more than once forein princes with whole armies into its pay, which certainly supplied a far more important power than an equal number of mercenary soldiers under independent leaders, jealous of one another and inclined to treachery[292].

The first Greek prince, that entered into the service of the city, was Archidamus of Sparta, of whose campaigns no other information is preserved than that he was cut to pieces with his whole army by the Lucanians on the day of the battle of Chæronea. So contemptible were the sentiments of the degenerate Greeks, that this is related, not as an event of the deepest tragedy, that one and the same day saw the fall of the freedom and dignity of Athens, and of the heroic king of Sparta, the son of Agesilaus and father of Agis, who had abandoned his native land, because he could not endure to be a witness of its degradation and its pusillanimity, but as if the finger of

[292] That however the cavalry at least of the Tarentines cannot have been contemptible, is clear from the light horsemen of this name in the Macedonian armies, who were probably enlisted at first in Tarentum itself.

the Deity was to be traced in his destruction, because Archidamus had espoused the cause of the Phocians,—the Phocians who had been driven to despair by hypocritical religious zeal, the mortal enemies of those who had hurled his country from the ancient highth of its supremacy, the people who had defended the gates of Greece against the common enemy,—and because there were among his soldiers many of the mercenaries who had once been paid with the gold of the temple.

Diodorus relates under the year Ol. 108, 3 (409), that Archidamus was invited to Italy by embassadors from Tarentum, not that he mentions this year to determine the time of the event, but only to have an opportunity of relating at the close of the sacred war, how the higher powers punisht all that were accomplices in the sacrilegious plunder of the temple. His landing in Italy took place still later, undoubtedly in Ol. 109. 1 (411). For to this year we must refer Livy's statement of the landing of king Alexander of Epirus, which is caused by a false synchronism, and is erroneous in the person of the Greek prince[293].

[293] He mentions it under the year 415. VIII. 3; in like manner he places the foundation of Alexandria and the death of Alexander of Epirus in the year 429, just as he must have placed the death of Alexander of Macedonia in the year 435, because it is under this year that he inserts the celebrated comparison between him and Rome. Now since Alexandria according to Eusebius was built in 425, Ol. 112, 3, but Alexander of Macedonia died in Ol. 114, 1. 431, his synchronism of the Olympiads and of the years of the city compared with that of Dionysius and Polybius, which I endeavour to follow closely, is wrong in these times by four years, which must be deducted from those of the city. The mistake which has caused the greatest errours in the history of Alexander of Epirus, arose from the reduction of the Olympic years to years of the city, which is correct according to the era of Cato, having been transferred to the era of Fabius, which falls one Olympiad later. For example: according to Fabius, T. Manlius and P. Decius were the consuls of the year 411, and at the same time of Ol. 110, 3. Now he who overlookt, that the new synchronism, which exprest Ol. 109, 3 also by 411, was reck-

After the destruction of this army the Tarentines took king Alexander of Epirus into their pay. This prince, the brother of queen Olympias, had been given by his brother-in-law, Philip of Macedonia, as king to the Molossians[294], to the injury of the elder line, the children of his uncle Arymbas; and it was for the solemnisation of his marriage with the king's daughter Cleopatra, that those festivities were held at Pella, which afforded an opportunity for the murder of Philip.

oned according to the Catonian era, could not do otherwise than refer to the consulship of Manlius and Decius the Greek event assigned to this year. This may even have happened to Fabius himself; for there is no reason whatsoever for asserting, that Cato invented the era which bears his name; the confounding of the two kings is not at all strange, if the ancient chronicle wrote somewhat thus: *anno* CCCCXI *rex Graecus cum exercitu in Italiam venit:* and in this way the chronicles during the decay of the empire wrote again, when the childhood of old age commenced. This proves, that Livy's explanation of the time of his arrival in Italy would be wrong, even if it should be possible to dispute my observation of his regular synchronistic errours. (When Niebuhr afterwards made the chronological enquiries, the results of which are contained in the second volume, in the chapter, *On the Olympiad and year of the taking of Rome,* p. 556–570, he has dropt this explanation of Livy's mistake. He only supposes, p. 568, 569, that Livy understood according to his method the date 415 of an annalist, which was calculated according to the correct reduction from the Olympic year 112, 1, to be the Olympic year 110, 4. Niebuhr therefore according to his later views fixt the landing of Alexander of Epirus, which necessarily remained doubtful in the representation of our text, in the year 415. Thus also the reason for placing the landing of Archidamus in Italy from 409 to 411, in opposition to Diodorus, is removed. We have however hesitated to accommodate this as well as other differences between our passage and the other complete investigation, that we might not withhold from the reader the progressive development of his views.)

[294] Ol. 109. 3. The fact that it is stated even a year before in the speech on Halonnesus, that Philip had taken possession of three Greek towns in Cassopia and given them to his brother-in-law in servitude, is not decisive as to the beginning of his government as king: it was a small state, given to him till the throne should become vacant.

Philip by raising his kinsman had honored himself and his house, but he would not allow him to be powerful and independent. Of Ambracia it is known, that it had a Macedonian garrison, and even if, which cannot be decided, Alexander had received in addition to the crown, that was due to another member of his family, the sovereignty over other Epirot tribes, which had never before been dependent on the Molossians[295] and Pyrrhids, yet he must have felt himself by the side of Macedonia powerless and little; and this feeling at least as much as a desire of emulating the military glory of his nephew must have urged him to go to Italy, where the need of support among the Greeks who were still left might have given a tempting appearance to the hope of being received as a welcome protector, and of thus founding an independent kingdom. But the Tarentines had not surrendered themselves to him in despair, as they did afterwards to Pyrrhus; they regarded him as in the service of the republic, and it is attested that an enmity arose between them and the king, which according to all appearance increast till they came to open hostilities, and has been objected to them as ingratitude, perhaps with too much onesidedness.

The king of Epirus is said to have complained of the unfairness of fortune, which had destined to his nephew victories over women, to him a severe struggle against men. With no less partiality did she bestow upon the Macedonian king historians, and preserve their works; while to him she only granted a mention in general works[96] which have perisht; nay as if she had intentionally wisht to deprive him of enviable fame with posterity, she has destroyed that part of a work otherwise preserved,

[295] The earlier Greek writers, even such as, like Aristotle, did not use Atticisms, always write Molottians; which the Romans according to a false analogy have changed into Molossians. The Thessalians were Thesprotians, and the double T is Thessalian.

[96] Among the known historians only Duris, Diyllus, and Timæus can have related his campaigns.

where undoubtedly much more satisfactory accounts of his campaigns were extracted than in the two Roman writers, who relate something very confused about them[297]. Only the year, in which he fell, can be ascertained, not that in which he landed, and not through how many campaigns he maintained himself[298].

He turned his arms first against the Messapians or Sallentines: the possession of Brundusium would have secured the nearest connexion with Epirus independent of the sentiments of Tarentum; but he contented himself with the advantages, which a peace and alliance with this people afforded. He concluded similar treaties with the

[297] From Ol. 111, 1, to 115, 2, we find in the 17th and 18th books of Diodorus only the history of Alexander and his successors; but nothing upon any other countries, which had by no means lost their independence of the Macedonian system. He says himself in the proœmium of the 17th book, that he would write upon these also for the time of the reign of Alexander, only that he would not interrupt the history of the latter as he otherwise does by synchronistic narratives. That he had written upon them for the time of the first seven years after Alexander's death in the 18th book, where there is now however no trace of them, is clear from his own statement, XIX. 3. That is to say, a second part of the 18th book is lost, which like the seventeenth was divided into two parts: and this lost part contained the history of those countries not connected with Macedonia during those eighteen years. That the close of the 18th book refers directly to the 19th, is the fabrication of a copyist, who has also concealed the gap of more than two years, which has justly been pointed out by the commentators on XVIII. 44, by cutting away the mangled passage and plastering it over in such a manner, that hitherto nobody has been able to guess with certainty, where it is to be lookt for. Similar falsifications in Dion Cassius have been brought to light by the Venetian manuscript: ignorant purchasers must have had a dislike against books, which did not appear complete. I wish by this remark to induce scholars to look out for a manuscript of Diodorus, which contains the 18th book and is older than the fifteenth century: if such an one still exists, it is for this work what the Venetian manuscript is for Dion Cassius, the source of all the others, and will certainly give results of the same kind. (Compare Vol. II. note 861, and 1127.)

[298] See above note 293.

neighbouring Peucetians and with Metapontum: the noble families, which he sent as hostages to Epirus, must have been given by these Italican nations and the Greek cities. It cannot have been till after this that he undertook the conquest of Lucania and Bruttium; he conquered many towns of both nations, transferred the war to the shores of the Tyrrhenian sea, where he landed near Pæstum, and gained a decisive battle over the Lucanians and Samnites, who could make no more impression upon the Macedonian phalanxes than the Romans; and after this battle he concluded a friendly alliance with Rome in 418 (423). But at that time the Tarentines must have gone over to his enemies: Heraclea is mentioned as their colony amongst his conquests, and one can see even before the battle near Pandosia, where he perisht with his army, that the fortune of war was turned against him, that he was fighting on the defensive against complete destruction. Thus far he had retreated, driven away from his basis on the Tarentine gulf; he pitches his camps upon strong highths — the allies undoubtedly separated from his Epirots: the Lucanian exiles already despair of his success and purchase their peace by treachery; he remains in the most dangerous position, dreading the still more fearful danger of a retreat through the impassable mountains, which he had perhaps already attempted in vain. Favored by heavy falls of rain, which kept the divided army entirely apart, the Italicans overwhelmed the two camps; nothing is left him, since the enemy have already shut him in, but to attempt that dreaded retreat by force of arms; he succeeded in breaking out of the camp, but after this first success, which can only have been the beginning of unspeakable difficulties and dangers, his troops disperst: at the ford of a river swollen by the rains, through which he was leading a band that had again gathered around him, the Lucanians made an attack; the king fell, struck by a spear. Livy relates only the outrages which his corpse experienced; a sure proof, that he had been very cruel as conqueror.

With such rage in the minds of the enemy, the remains of his army could have obtained no mercy, nor have escapt to any Greek town, as indeed it was scarcely possible for individuals to do.

Tarentum appears after this catastrophe more powerful and respected than before: not only in alliance with the Samnites, and exercising influence over the Lucanians, whose power never recovered from the first defeats of this war: but Tarentum ventures now by mediation and interference to pretend to protect others even against Rome. As the Lucanians sink, so the power of the Bruttians grows. The siege of Croton, where it was only the powerful aid of the Syracusans that saved this town [299], certainly happened very soon after the destruction of Alexander; it was probably a direct vengeance for the alliance of the Crotoniats with him, and such a decisive victory encouraged them to an undertaking, which had never yet been ventured upon.

The treaty with Alexander is a blot in the history of Rome; the more so, as there is not even an excuse for it by any danger: hostility against the Samnites, with whom peace and the ancient alliance had been restored, and who at that time were the champions of Italy, could have been the only occasion of it: and if the Samnites had agreed to an ignoble peace and alliance with Alexander, Rome's downfall would have been the consequence of her wicked conduct. The treaty however was not a real alliance for mutual support:—otherwise the war with Samnium would then have broken out —; still it was the infallible cause to a great degree of the exasperation, which rendered this war unavoidable, so soon as there was an occasion for it: it was a recognition of the conquests, which Alexander flattered himself of being able to accomplish.

Six or seven years later Alexander the Great died at Babylon, where the remotest nations of Europe and

[299] Diodorus, XIX. 3.

Libya offered him their homage. That embassadors of the Lucanians, Bruttians and Tyrrhenians appeared here and offered presents, is related as certain by Arrian: who speaks moreover of the embassies of the Carthaginians, Iberians, Celts, Ethiopians and Scythians only as from tradition: he must therefore have found the former expressly mentioned by Aristobulus and Ptolemy: and certainly the Lucanians and Bruttians had an urgent reason for soliciting his pardon, in the expectation that Alexander on his return from the eastern boundaries of the earth would avenge his kinsman. Clitarchus related [300], that a Roman embassy also appeared before him [1], which Pliny mentions without expressing a doubt, just as in other cases too he feels no vanity for the earlier times of his nation.

I see no ground at all for rejecting the account: the silence of the Roman annalists, even if we could place unconditional belief in the statement of Arrian, that none had mentioned any thing respecting it, would prove nothing, as such humiliations were certainly erased from their history.

Respecting transactions between the Romans and Alexander, there is a remarkable statement in Strabo, which has been overlookt [2]. The king had sent back some pirates of Antium, who had been taken; but demanded the removal of the nuisance. This would have been a direct

[300] Clitarchus wrote not long after the death of Alexander, when Rome certainly did already attract the attention of the Greeks, but by no means in such a manner, that it could have had any influence upon the glory of Alexander, whether it bowed before him or not: and the companions of the king may have reckoned the Romans among the Tyrrhenians, or the Tyrrhenians of whom they speak, may have been the Romans themselves. Later writers, as Aristus and Asclepiades seem to be, certainly cannot be reckoned as authorities: as the Roman annalists would have suppress the mention of such an embassy from pride, so such Greeks would have been tempted to tell stories about it without any foundation: yet they had Clitarchus; but what more they added, may be rejected without scruple.

[1] Pliny, H. N. III. 9. [2] v. p. 232.

occasion for despatching an embassy, and the Tyrrhenians may have had precisely the same. Rome had a particular reason more, in its alliance with Alexander of Epirus, to which it perhaps owed the mild treatment of its subjects.

The opinion which Livy shares, that the Romans had not even heard of the name of Alexander, is ridiculous; a consequence of the isolation of Roman history, as if the Romans themselves, like the reader, had not become acquainted with other nations, till they met them in arms. A man would be utterly unable to represent the past to himself, if he would not much rather suppose, that the name of Alexander had been heard of even as far as Britain, than doubt that at Rome the eyes of all the heads of the state were directed towards him.

With no more insight does Livy discuss the question, what would have been the issue of the contest between the Romans and Alexander, in order to decide in favour of the former. Neither Livy could say, nor can we, whether Alexander would not have been contented with an hegemony as in Greece, and whether the Romans and Samnites would not have submitted to it. That the nations of Italy, the Romans with the Samnites, would have stood together as one man, can hardly be conceived; that the Romans, whose power much more deeply founded forty years afterwards, was shaken by Pyrrhus with incomparably smaller forces, should have been able to resist him by themselves, may be said to be impossible, since Alexander would have come to Italy from conquered Africa, not with 30,000 Macedonians alone, but with as many Greek phalangites, as the master of the treasures of Asia felt inclined to enlist: and instead of a swarm of Persians and Medes, with armies of Africans and Spaniards.

FOREIN RELATIONS DOWN TO THE SECOND SAMNITE WAR.

In the same year, if Polybius's reckoning is correct [303], the Romans concluded the first peace with the Gauls; consequently for the same reasons which occasioned their peace with Alexander, and that they might be safe on this side during the war with the Samnites. Livy's account under the same year, that apprehensions of a Gallic invasion were spread abroad, and that a dictator was appointed: that the persons however sent out in order to collect information reported, that every thing was quiet among the Gauls, has an obscure reference to that statement: so far did the annals leave traces of an embassy despatcht to the Gauls; the mention of the peace was obliterated. To conclude such a peace with the Romans, who had no kind of connexion with them, unless they themselves marcht against Rome, the Gauls could have had no occasion, except it was solicited, and no reason to grant it, except presents, if not an annual tribute, which even the proudest have often considered to be no dishonour to pay to barbarians; for certainly this peace, which protected all nations dependent upon the Romans, however distant Rome herself was, almost put an end to their marauding expeditions. The northern boundary of Etruria was protected by the impassable nature of the Apennines: the road through the

[303] Thirty-four years before the battle of Sentinum: Polybius, II. 18. 19, consequently 418 (423).

Abruzzi was easily defended by the brave inhabitants, and might have been dreaded by the barbarians on account of more than one defeat: there remained the middle road through Umbria which was certainly subdued, and down the lower Tiber.

This account, it is true, seems to be contradicted by the subsequent statement of Livy [304], that in the year 421 (426) the city was filled with terrour by the rumour of a Gallic invasion; that the senate ordered a general arming, and that even the artizans — otherwise still excluded at that time from military service as unworthy and not contained in the tribes — were enlisted: that the army was posted near Veii, and did not advance further, in order to prevent the enemy from marching towards the city by another road: that the enemy however did not appear. Polybius may have thought it superfluous to mention a groundless alarm: the Romans may have suspected the barbarians without reason: a new swarm, not bound by the treaties of their countrymen, may have come across the Alps: all these suppositions are more probable than that Polybius, who is so circumspect and so careful in his chronology, should have stated falsely the year in which the peace was concluded.

Sacrificed by Rome to the Samnites as the price of the peace and the alliance, the Sidicinians had shared in the war of the Latins against Rome, and also in their defeat [5]. They were the only people that did not lay down their arms afterwards, and they made war upon their former allies, the Auruncans, who had submitted to Rome: the latter sent an armed force to their assistance, but an Auruncan town had fallen before the help arrived [6]. This led Roman

[304] VIII. 20.

[5] The Fasti mention Latins, Campanians, Sidicinians and Auruncans as the nations which T. Manlius triumpht over.

[6] Livy (VIII. 16) speaks, as if the Auruncans had inhabited only one town: but this is just as erroneous as when he overlooks the connexion between the Sidicinian and Latin wars, and regards the

armies between the Liris and Vulturnus, and they directed their march against the Ausonians of Cales, another canton of the same Auruncans, which had remained true to the Sidicinians, or had submitted to them. The possession of this town was indispensable for the security of the Falernian district, which was assigned to the plebeians, and where a great many Romans had settled, and also as a military communication with Capua: hence when it was taken by storm in the year 415 (420) a colony of 2500 men was sent thither in the very next year: the first Latin colony, which was founded since the change of the relations between Rome and Latium; it consisted without doubt of Quirites, pale-burghers and equal allies, and was the first of the fortresses, with which Rome gradually closed its frontiers against Samnium and prepared itself for offensive wars: for these colonies must be regarded as fortresses, and their citizens as frontier-regiments.

It is strange, that there is now no farther mention of the Sidicinians till more than thirty years afterwards, when the march of a consular army through their territory is related in such a manner, as if it had been a country friendly to the Romans [307]. That the Romans did not exert themselves to conquer such an important town as Teanum, cannot surprise us, as the recollection of their right of making war upon the Sidicinians must at the same time have reminded them, that they would be obliged to give up the town and land to the Samnites, and to be contented with the moveable booty [8]. But we cannot indeed conceive, why the Samnites should not have exerted themselves to the uttermost to accomplish a conquest, which had been snatcht from them a few years before only

former as one which was begun afresh, and called forth by the misfortune of the Auruncans.

[307] Livy, x. 14.

[8] So it was arranged in the treaty with Carthage for both parties: Polybius, III. 24; and also in that with the Ætolians: Livy, XXVI. 24.

by foreign intervention, and which they had expressly reserved for themselves; especially as they, just as much as the Romans, must have been fully aware, that peace between them was an unnatural state, until one or the other was conquered. We may also conjecture, that the Sidicinians actually submitted to them, since in 423 (428) the Privernatians and Fundanians are called neighbours of the Samnites[309], since Fregellæ had been conquered by them[10], and Fabrateria in 420 (425) had sought protection against them, and a Roman army of observation was stationed in the Sidicinian country in 416 (421) and 418 (423). The fact that Teanum afterwards threw off their dominion again, and was devoted to the Romans, would then be one of the many occurrences which Livy had overlookt.

Both Livy and Dionysius, just as if they had before them manifestoes setting forth the grievances, that served as a pretext to the desire of making war upon one another, represent, that Rome before the outbreak of the second war had reproacht the Samnites for exciting the Privernatians and Fundanians to revolt. Neither of the two nations revolted during the war, and since assuredly no recollection was preserved from those times of any thing that had not ripened into action, we are certainly allowed to suppose, that the making up of the history has here repeated complaints respecting a very natural share that the Samnites took in the revolt of these people in the year 420 (425).

Eleven years before, Privernum had been conquered and treated very severely: what reasons induced Fundi to break the most honorable relation of alliance in which it was placed, is not mentioned: its situation between the most important passes on the road to Campania leaves no doubt, that Rome must have kept a garrison there, and this with the incessant marchings through it may have excited manifold exasperations. The author of the revolt

[309] Livy, VIII. 23. [10] Livy, VIII. 23.

and the general of the two towns was a distinguisht Fundanian, Vitruvius Vaccus [311]; he conducted the war without consideration, and without boldness [12]; the Romans hastened to finish it. Two consular armies were such an overwhelming force, that the allies who were drawn up close before their fortified camp, withdrew without accepting a battle, first into the camp, and after the fall of night to Privernum. While they were kept shut up here by one consular army, the other marcht against Fundi, which now deprived of its citizens who were capable of bearing arms, surrendered at discretion. Hence it became almost impossible to relieve Privernum, even if the Samnites had had the resolution to attempt it: the punishment of the rebels however was none the milder for this, and the surrender of 350 accomplices in the rebellion did not satisfy the Romans, because the senate of Fundi, they said, had only sacrificed the guilty persons of the lower orders.

Privernum on the other hand prolonged its resistance, so that the following consuls, who entered upon their office on the first of Quinctilis of the year 421 (426), did not triumph before the first of March, 422 (427). However it may have been taken, whether by storm or voluntary surrender, this conquest must have appeared at that time especially glorious, since the consul Æmilius received the surname of Privernas, and the Plautii preserved upon their coins the recollection of it, as the most glorious event in the history of their family.

Vitruvius fell into the power of the Romans, and like the others involved in the same guilt, atoned for it with his life: the walls of the town were razed to the ground, and all the senators who had not withdrawn during the insurrection, were exiled beyond the Tiber; the remaining

[311] More probably Vaccius: Vitruvius is perhaps, like Attius, Statius, Gellius, an Oscan praenomen: for *Vacci* is also the genitive of Vaccius.

[12] Sine consilio, sine audacia: Livy, VIII. 19.

Privernatans received the franchise: for the bold answer of the deputy, when commanded to confess what punishment every one of them had deserved [313], and his avowal, that they would observe only an advantageous peace, reminded the Romans, that with the prospect of the war with Samnium before their eyes, their choice only lay between union and extirpation. This franchise however was at first only isopolity: it was not till ten years later in 431 (436), that the tribus Ufentina was establisht, of which the principal place was Privernum [14].

After the taking of Privernum a small colony was sent to Anxur, which commands the road between the two towns: it did not belong to the Latin colonies [15]: the importance of the post demanded that it should be entrusted only to Romans: it was rather a garrison than a body of citizens. The number of the colonists, three hundred, is the same as the annals mentioned for the Romulian colonies [16]: and the quantity of arable land, two jugers, the same as Romulus is said to have allotted: an example not to be overlookt of the manner in which the annals fabled, only in so far as they applied rules of the earliest times, which were contained in laws and religious books, to cases and persons ostensibly definite. As regards Tarracina, though two jugers are indeed very little everywhere,

[313] According to Livy he replied: Such as those deserve, who deem themselves worthy of liberty. The narrative of Dionysius has a more ancient coloring: the consul asks, How they punisht rebellious slaves? and to this the answer is, As it is right to punish those, who strive after the freedom in which they have been born. He placed however this colloquy in the consulship of C. Marcius, twenty years earlier, in the first war against Privernum: upon this, he says, the consul raised the siege. (Exc. Dion. XIV. 23.) Thus an isolated tradition, which lived in the mouth of the people, wanders about to seek a chronological place in the meagre annals.

[14] Lucilius, Fragm. 187. inc. p. 253, ed. Haverc.

[15] It is not mentioned among the thirty in the war with Hannibal:—it was rather a maritime colony. Livy, XXXVI. 3.

[16] Vol. II. p. 48. note 94.

yet they are of somewhat greater value in a country where the plough can scarcely be used, and the extensive public pasture in the mountains above the town was much more important.

Thus the road to Campania was preserved which Appius made somewhat later, but did not open: on the Latin road, the second that leads to the same country, the Latin colony of Fregellæ was founded in the next year 423 (428): a large territory must have been allotted to this, since it became in the course of time so very great and populous, and four thousand families of the Samnites alone could settle there. But its establishment was not merely an open preparation for war against the Samnites: all the measures of the senate pointed to this object without disguise: it was a violation of the rights of the Samnites, since they had conquered and destroyed this formerly Volscian town, so that according to the general Italian law its site and territory had indisputably become their property. They therefore required the Romans to do away with this colony, when the latter complained of the succours which the Samnites had sent to the Palæpolitans.

Cuma[317] in Opica was founded by Chalcidians, whose ships were conducted by the gods to a goal unknown to them, in the daytime by a dove flying before them, and at night by the Corybantian chime of brass. Such a legend, akin to several Greek and barbarian ones, assigns the date of this event to the mythical age, and in this it was placed by the Alexandrine chronologers, nearly two hundred years before the time, at which the Romans fixt the building of their city. The direct and miraculous guidance of the higher powers does away with every thing that is senseless, so long as the belief in it is fresh; and so long as the

[317] (Although the essential parts of the following investigation were incorporated by the author in the second and third editions of the first volume (pp. 74. 75. 155. 156.), it seemed nevertheless improper to separate it here from the context, on account of its peculiar form.)

Romans believed in the miraculous rearing and ascension of Romulus, this did not prevent them from being wiser and nobler than their descendants who smiled at it: and if the corpse of the tribune Genucius had not been found, there would have been no danger, lest they should have been induced to believe, that it was taken up to heaven. But Eratosthenes and Apollodorus lived in an age, in which the old legends, which formerly, when every-day occurrences were forgotten, stood in direct connexion with the actual state of things, and which entirely obscured the meagre historical records, were thrown backwards by the development of history and drawn into it: there is not the slightest doubt, that people thought at that time, that they had discovered something very clever, by explaining perhaps that Hippoclides and Megasthenes during their voyage along unknown coasts had sent before them a pilot-boat called the Dove, from which signals were given at night by the chime of brass. They may themselves have despised such folly, but they must have written down their chronology with quite as much astonishment as we read it, for their own work reminded them, that the earliest settlements of the Achæans and Chalcidians upon the nearer coasts of Œnotria and in Sicily were much later than the pretended time of the building of Rome, and that in the Odyssey those countries lie beyond the lands historically known: we are still more inclined to think it unfounded, because the history of Cuma after the middle of the third century of Rome[318] still sounds quite like a fairy-tale: and it is indeed probable, that the date of its foundation was calculated from the genealogy of the founders, according to the false application of the popular reckoning, that three generations make a century, by which the history of Sparta has been so immoderately extended: if Cuma, after it had become Roman, had used an era of its foundation, instead of the year in which it

[318] At the beginning of the seventh book of Dionysius.

became Oscan, Cato indeed might have known it, but scarcely an Alexandrine. It is quite certain, that Greeks settled here in very early times, and centuries must have elapst, before the native tribes were strong enough to put a stop to their extension and then to deprive them of one colony after another; for it is clear, that the Chalcidians did not settle there for the sake of commerce, but in order to possess the Phlegræan plains, and there is moreover no doubt, that they possest them before the Tyrrhenians made conquests there: nay the assertion, that Nola and Abella were Chalcidian towns[319], is by no means to be rejected in the same manner, as the one for instance placed by its side, of the Chalcidian origin of the Faliscans.

Historical scepticism will not believe the mere assertion of a late witness, who gives no trustworthy authority, that Sinuessa and Formiæ were originally Greek towns; but it will not despise the statement as a fancy of late grammarians simply because we know in history that these towns were Oscan: the want of isolated accounts, where a whole history has disappeared, has weight only with him who has not accustomed his eye to estimate in the twilight the size at least of objects: such illogical arguments, to which the lifeless application of historical sources leads, it rejects even more than credulity itself. The Greek names alluded to by Strabo support the supposition, that Sinuessa and Formiæ in the earliest times were Greek cities: and a clear conception of circumstances awakens the suspicion, that these countries were at one time not less Greek than Æolis and Ionia.

Palæpolis, a Cumæan colony, had, before another city rose by its side, another name, which was undoubtedly Parthenope. Livy, who alone speaks of it, gives no other clue for discovering its situation, than that the Romans encampt between it and Neapolis. Now one cannot look for it eastward, where Herculaneum lies so near, and it is

[319] Justin, xx. 1.

utterly inconceivable, that it should have had no harbour. Accordingly we can say with full conviction, that it must have lain not far from the entrance of the bay of Pozzuoli, on the western side of Posilipo, over against Nisida and Limon, which island has a good harbour; and between it and the coast of Palæpolis there is good anchorage[320]: Neapolis was founded by Cumæans and other kindred Greeks, about four miles from the older town. Many Cumæans settled there after their own town had fallen into the power of the barbarians. Both towns were governed as one state, and the name of Neapolitans seems to have become the more common for both[21]: they were the last Greeks remaining upon the whole coast. About the time of the conquest of Rome by the Gauls, the Neapolitans allied themselves with the Samnites[22]: the immediate occasion of this was the power of the elder Dionysius and his attempts to subdue the Italietes: his fleet cruised near the Tyrrhenian coast for the purpose of plunder; and he had accepted the services of the Gauls against the Italietes.

A Roman embassy in 423 (428) demanded of the

[320] To the fact that this must have been the situation of Palæpolis, my eyes have been opened by a friend, who is no learned historian, but whose insight into nature as well as into the world of ideas is always deep and correct—who would have been the greatest general, if Providence had kept him in this vocation, and not led him into the way of becoming the first statesman and orator, not of his own country alone. The late Count de Serre.

[21] Dionysius, who, whatever his faults may be, certainly writes very carefully, speaks always of the Neapolitans in the Roman war. Livy on the contrary of the Palæpolitans, and the latter too were triumpht over according to the Fasti.

[22] δευτέρᾳ γενεᾷ πρότερον — before 423 (428). Dionysius, Exc. Legat. p. 2324. R.: I should take this expression with less chronological exactitude, if the occasion were not so obvious. — However if the words of the triumphal Fasti may be taken strictly, their author in saying, that Publilius triumpht *De Samnitibus Palaepolitanis*, was at least thinking, that they were allied with the Samnites by isopolity.

Neapolitans atonement for acts of violence committed in the Campanian and Falernian districts, and also that they should put a stop to the piracies of their citizens. In opposition to them embassadors from Tarentum and Nola, a city closely allied with the Greeks, urged them not to yield to the Romans at all and to preserve unweakened the alliance with Samnium: Tarentum promist to send a fleet, which united with the ships of the Neapolitans themselves, manned with rowers at the expense of the Samnites and furnisht with Samnite soldiers, might by landings on the coast inflict severe injuries on the Romans, since they could not have met them at sea. In the assembly of the people the Samnite deputies promist, that their state would defend the Greek cities, bear all the expenses of the war, and if the fortune of war should be favorable, grant them the possession of Cuma and a part of the Campanian territory. Such promises without requiring from them any exertion except by sea, which at all times has been the element of the Neapolitans, in order to become rich and powerful, necessarily carried away a Greek popular assembly; the Roman embassadors were dismist without obtaining any kind of satisfaction.

The Roman senate undoubtedly expected this result, and was prepared for it. An army under the consul L. Cornelius watcht in Campania the Samnites and the suspected fidelity of Capua; Q. Publilius Philo advanced with a second before Palæpolis: took a position between the two towns — upon the Vomero and Posilipo — and blockaded both. But the sea was open to the Greeks, and 2000 Nolanians and 4000 Samnites, if they had not thrown themselves into the towns before the Romans arrived under the walls, still could not be prevented from doing so: provisions could not be wanting, and the art of besieging, which was then only just developing itself with artillery in Macedonia, was entirely unknown to the Romans. Thus past the winter, during which the second army too

remained in the field and had its quarters in the country of the Volscians[323].

Our knowledge of the constitution of the Samnite confederacy is still extremely defective, even after what has been conjectured above[24] respecting it from the allusions that are extant. We are limited in reality to this point, that it appears that such a war as the Roman one must have led to the institution of a permanently governing assembly, if it did not exist before; the assemblies of the separate confederate tribes seem to be alluded to in a passage of Livy, where pretors also are mentioned, who like the Roman magistrates bring a proposal before the senate, as a result of a previous resolution of the people[25].

Such a constitution, although less loose than one might be inclined to conceive that of a nation of antiquity to be, was certainly one main cause of the unfortunate issue. Especially if we suppose, that the supreme command must have been taken in turn, and that C. Pontius at the utmost could only have held it every fourth year: but if reports were to be made to the communities of the tribes, and if these were to be called together from distant districts, the moment for action must often have been lost. An interest in the general cause was not awakened, and the delay till a decree was issued, paralysed it before it could be carried into effect.

When the Romans were already fighting with the Samnite garrison before Neapolis, war was not yet declared. Roman embassadors accompanied by the fetialis demanded, that the Samnites should withdraw that garrison, give up their claims to Fregellæ, abstain from instigating Roman subjects to rebellion, and deliver up the advisers of measures that were hostile and disturbed the peace, to be

[323] Dionysius, Exc. Legat. p. 2328. [24] See p. 107. foll.

[25] VIII. 39: ut omnibus conciliis fremerent:—coacti referre praetores decretum fecerunt. A senate is not *mentioned*: but *referre* and *decretum* prove, that a senate is meant.

judged by the Roman people. Livy wants to soften down the unbearable arrogance of these demands, by the proposal that they should choose common friends as arbitrators: as if Rome could have wisht for any thing else than open war in the end. The answer which he attributes to the Samnites is much more probable: At Neapolis, they said, there were only volunteers:—and the Sabellian nations allowed levies for forein service:—the state however would still be justified, without violating its treaty with Rome, in sending succours to a city with which Samnium had been allied for two generations. Their own strength, they said, was not so small, as to render it necessary for them to condescend to agitation. The foundation of a colony in a territory, which had become Samnite property by right of war, was a crying injustice; and if Rome would not remove that colony, they would exert all their powers to destroy it. They added, that it was foolish however to make accusations and defenses, as if they wisht to agree to a peace; that the armies of the two nations might decide between Capua and Suessula, which was to rule over Italy. Hereupon the fetialis called upon the gods to bear witness, that the Roman people had satisfied the divine and human laws: and with covered head and hands raised to heaven he prayed, that, if the Romans had begun the war, because they had in vain demanded reparation for the injuries committed against them, the gods would bless their counsels and their deeds: but that if they had forged a false pretext for an unrighteous war in violation of the oaths they had sworn, that the gods would frustrate their counsels and their deeds[326].

An impious prayer, which the priest, unless he had been an impostor, must have uttered with horrour; for even to this day it is as clear as sunlight, that Rome broke the oaths, and had supplied the immediate occasions of the war by her violation of the rights of the Samnites. And thus a religious institution, which like few others was

[326] Dionysius, Exc. Legat. p, 2319–2327.

intended to prevent crime and violence and to preserve peace and justice, and which could do so as long as the wild passions were excited only moderately and by small matters, became the cause of a heavier sin and greater hardness of heart, when it no longer awakened awe, and was retained only hypocritically.

Without this crime, the mention of which was probably suggested to the Greek historian by a bitter feeling, since the subjugation of the few Italiete towns, which still remained, presented itself to his mind as a consequence of this war, we ought not to judge the Romans so severely for it, though so manifestly unjust in what immediately occasioned it. The chief cause of the war was not a solitary act of injustice which disturbed the peace, but the unnaturalness of the relation which the treaties that had been concluded, intended to render permanent, and the nature of such a peace equally unbearable for both states[327]: and if the Samnites cannot be charged with any thing, by which it was directly broken, we cannot reckon the consequences of a more awkward constitution as a virtue on their part. The recollections of the first war allowed them only to think with fear and apprehension of its renewal against an enemy, whose power meanwhile had grown incomparably stronger: hatred was fostered and augmented: but the hope of favorable circumstances which had still not yet appeared, determined them, after the matter had been considered again and again, to defer resolutions for which the proper moment was lost irrevocably: and when at last the impatience of the Romans to come to a decision was followed by the foreseen attack upon Neapolis, there was still the old want of resolution, and the pressing nature of the case urged them on only to half measures, which were nevertheless hostilities and led unavoidably to war. And as the unfortunate turn of the

[327] When the Cheruscans wanted to live in peace, no matter by what means, they drew upon themselves the contempt of all their neighbours, even of the most insignificant.

war could induce them to deliver up Papius Brutulus, as the man, who had persuaded them to undertake it, so a political opposition, whether of a faction or of the tribes to which he did not directly belong, may have been the main reason for frustrating his counsel, simply because it was his.

That it was not in consequence of their greater virtue and justice that the Samnites gave the Romans no just cause for accusations, is proved by their relation to the neighbouring nations, who were all hostile[328] to them with the exception of the Vestinians. This hostility might indeed have been the consequence of envy; but the Samnites were masters of a great part of Apulia. This isolation, and the expectation that all would be against them and for Rome, must likewise have checkt their resolutions. As soon as the war was decided on, Rome concluded treaties with the Apulians and Lucanians.

[328] Livy, IX. 13.

THE SECOND SAMNITE WAR.

It was moreover owing to the awkwardness and inefficiency of the Samnite government, that the Samnites were not prepared when the war was declared, and that they conducted their preparations so slowly, that neither was any attempt made to relieve Neapolis, nor were the Romans stopt by an army in the taking of Allifæ and other places, when they entered Samnium across the Vulturnus from the Volscian frontier. This expedition belongs to the earlier months of the year 423 (428): the taking of Palæpolis to the first months of the year 424 (429) [329].

That the army which blockaded the two Greek towns, might not be left without a commander, since the comitia had been protracted for two months without producing any result in consequence of the renewed obstinacy of the patricians, proconsular power was given to Q. Publilius Philo by an ordinance of the senate and a plebiscitum, in order to bring the war against the Greeks to a close. This power conferred the auspices and the full imperium of a consul, and not merely the supreme command of an army and the right as general to reward and punish, but jurisdiction also. But as the power of the tribunes only

[329] Because L. Cornelius and Q. Publilius entered upon their office upon the first of Quinctilis and their successors were not appointed till under the fifteenth interrex, consequently about the beginning of September, and because Publilius on the other hand triumpht as proconsul—according to the Fasti—on the first of May.

extended a mile beyond the city, so on the other hand the city and this its immediate vicinity were exempted from the proconsular power [330], which was conferred without the auspices by a mere decree of the two governing powers, and not by the lawful comitia for election. Hence the imperium was granted by the people to those generals, who returned with their army as proconsuls for the day of the triumph, which in the later centuries was done regularly; but for no other reason, than because it was almost without example at that time, that a consul returned to triumph during his magistracy. In the earlier times such a favour was not needed. The proconsular power was conferred by an ordinance of the senate and a plebiscitum,[31] and this is consistent with the constitution: it was only from the time of the Sempronian law that it was conferred by the senate in accordance with the relations of the full-grown empire. This had misled Livy to relate as early as 440 (445), that the senate prolonged the imperium to the ex-consul Fabius [32].

The promist succours of the Tarentines did not appear, and the Samnite garrison wounded the feelings of the Neapolitans by pride and acts of violence: a conspiracy arose among them of those that were tired of the war and longed to finish it at any price. One of the conspirators, Charilaus, had a gate opened to the Romans and conducted three thousand to the highest parts of the town: the strategе Nymphius had in the same night enticed the

[330] Hence the *judicia, quae imperio continebantur*, beyond the first mile in opposition to the *legitima*. Gaius, IV. 104. 105. In the earlier times this mile was undoubtedly reckoned from the pomerium, the extension of which was necessary just for this reason, because otherwise a part of the city would have been without the protection of the tribunes. This was in reality no longer thought of, when Augustus establisht the practical and suitable division of the city as it actually existed, a division, the propriety of which quickly caused the antiquated one to be forgotten.

[31] Livy, VIII. 23. XXIX. 13.

[32] IX. 42.

Samnites from the walls to the harbour, by the pretence of conveying them by the triremes of the town to the Roman coast on a plundering expedition: such enterprises might have frequently been undertaken with success at smaller or greater distances. While every body was apparently occupied in embarking them, the Roman warcry announced, that the town was taken: the gate of the harbour was closed; the Samnites, whose arms had already been treacherously carried on board the ships[333], had no choice but to think how they might save their lives by flight: ancient friendship secured to the Nolanians their departure from the town.

This account is adopted by Livy as more probable than another, according to which the Samnites betrayed the town, because Neapolis had a treaty with Rome, and because more trustworthy witnesses ascribed the merit of the treason to the Greeks. The latter may be true; but he might have solved the difficulty, if he had not forgotten that two towns were blockaded, which could not both be betrayed at once in the same manner; and had not overlookt, that Publilius triumpht over the Palæpolitans. The fate of a town, whose gates the Romans entered through the treachery of a few of its own citizens, was never any milder than if it had been taken by assault: Palæpolis perisht at this time; and perhaps all the Samnites were there: Neapolis opened her gates upon concluding a treaty, which the Romans must have been very glad to grant upon favorable terms.

A more important advantage in the meanwhile indemnified the Samnites for this loss. The Lucanians re-

[333] Livy says *inermes*. I make the remark here for similar cases, that if such narratives are not past over entirely, they may be completed so as to become intelligible. It may be false that the Samnites were without their arms: but if this fact is true, it can only be conceived of by an aggravation of the treachery: and what renders this more probable is, that the Greeks thus secured themselves from the revenge of those they had deceived.

nounced their alliance with Rome, but their word found no confidence; they were obliged to give hostages to the Samnites and to receive garrisons in their fortified places, or rather; as these conditions were the hardest that could be imposed upon a conquered people, they submitted to the Samnites. Such a change could only be the consequence of a revolution in the government; and Alexander of Epirus had a band of Lucanian exiles about him, which leads us to infer the existence of factions and internal disorder. Twenty-seven years later, disturbances between the optimates and plebeians were quieted by Roman troops [334]: but the party of the Samnites must have conquered by the arms of its friends and could not have been sure of its victory, unless it reduced the nation to a state of perfect dependence. Livy explains the change in the system of the Lucanians and their degradation before the Samnites, which according to his supposition was not compulsory, by one of the so frequent imitations of the story of Zopyrus. The Tarentines, who, like the Campanians, are supposed by him to possess every vice, such as haughtiness and cowardice, wisht, he says, to remove the war from their own country, and accordingly persuaded some young Lucanian nobles to scourge their own backs, and in the assembly of the people to inflame the vengeance of their countrymen by the sight and the relation of their pretended maltreatment: relying on the treaty which had been concluded, they said, that they had visited the Roman camp: that the consul had seized them and scourged them thus: that they had with difficulty escaped the axe. The people, infuriated compelled the magistrates to convoke the senate, and forced this body by cries and by threats, to renew the treaty with the Samnites at any cost and to declare war against the Romans. The deception was discovered too late, when the authors, in order to protect themselves, had withdrawn to Tarentum: the hostages had

[334] Livy, x. 18.

already been given and the garrisons had entered their towns. But the fate of nations has never been decided in so fabulous and childish a manner; and a thing for which a semblance of possibility might perhaps be devised in a city, whose soverain assembly had the power of deciding in its first deceived fury, is utterly impossible in a great nation occupying a large extent of country, which could not be assembled till many a day had elapst. Here too it was intended to strip the enemy of the glory of a bravely won advantage, and instead of it to stigmatise him with the disgrace of vulgar deception and tyrannical harshness.

The Lucanians are never spoken of during the whole war as allies of the Samnites: this in truth might be accidental, as the account of the occurrences in it is so extremely meagre, and as corrupt and falsified as that of much earlier times, which is excusable on account of the destruction of the ancient documents. It is true, that there is also no mention any where of the Tarentines taking an active part in it, and yet there can be no doubt of it notwithstanding. Strabo says, that the coast of Latium as far as Ardea had been laid waste by the Samnites in such a manner, that the country had not recovered from its effects down to his time [335]: this is only possible on the supposition, that they embarkt in the ships of the Tarentines. In the same manner they certainly co-operated with all their strength, and not by a clumsy stratagem, in the subjugation of the Lucanians, which had a direct influence upon their own security.

The Apulians were threatened with the same fate as the Lucanians, if no help was sent them: but if the Romans succeeded in supporting them, a Roman army united with them divided the forces of the Samnites: the armies from Campania and Apulia might unite in the centre of Samnium, and provided they could maintain the conquered places, they might separate the northern and southern

[335] Strabo, v. p. 232.

Samnites from one another. Besides this plan of operations, which was suggested by the geographical position and the character of an enemy, who could only be subdued by taking his country by inches, the communication of the country with Rome caused, in consequence of the physical nature of the Abruzzi and of Apulia, great distress to the Pentrians in northern Samnium, who drove their flocks down from their Alps covered with deep snow to pass the winter on the warm plains of Apulia. That this was done even in ancient times would be beyond doubt, even if no mention of it happened to be preserved: but this is not wanting either[336].

This same bond of mutual dependence through the physical nature of the country—for during the summer the mountain pastures of the Abruzzi are no less indispensable to the Pugliese—establisht friendship between the Apulians and the Marsians, Marrucinians and Pelignians, who firmly united by isopolity and equal alliance took no part in the war, allowing a free passage to each of the belligerent nations. The Apulian pastures were not so indispensable to the Vestinians; partly because more attention is paid in their country to agriculture than to the breeding of cattle, and partly because their herds could be driven down to the neighbouring seacoast. The road, by which the Romans had to march into Apulia, led from Rieti and Antrodoco through their country to the shore of the Adriatic; they refused to allow the Romans a passage through it, or repelled by arms an attempt to force it.

Their alliance with the Marsians, Pelignians, and Marrucinians, whose warlike spirit could not be doubted notwithstanding their neutrality, rendered it obvious, that an attack upon them might unite the whole league with the Samnites; but then Apulia would be lost. War was de-

[336] (The manuscript does not mention the passage alluded to: where is it to be found? — Perhaps Varro, R. R. II. 1, which proves the converse: *Greges ovium longe abiguntur ex Apulia in Samnium aestivatum.*)

clared; the Vestinians fearlessly resisted the consul D. Junius Brutus, although their allies, through their hostility to the Samnites, their kinsmen, deserted those who exposed themselves to danger in their cause. The Roman general gained a dearly bought victory in open battle, and when the vanquisht troops disperst among their towns, he took two by storm, Cutina and Cingilia, and with no less loss. For so small a nation it was not disgraceful to lay down their arms now. Livy does not say, that peace was concluded; but the march of the Roman armies to Apulia appears henceforth to be no longer hindered. It was however enough to have opened the way for this campaign; and the great loss which the armies received, was probably the reason, that there was no triumph after this war, however important the consequences of the victory may have been.

The consul L. Camillus, who was to have entered Samnium with a second army in the same campaign, became seriously ill, and in his place the command was undertaken by L. Papirius Cursor as dictator, who chose for the master of the knights Q. Fabius, who subsequently won for himself and his posterity the honorable surname of Maximus [337]. Livy relates the history of this war with such indifference as to the events themselves, that we can very rarely perceive, in what part they occurred of the extensive scene of war which stretcht from the sources of the Anio as far as

[337] The consular year began at that time about the commencement of September: the dictator triumpht according to the Fasti III. *Non. Mart.* In fact it is perhaps not improbable, that the corresponding consular Fasti designated a whole year with the magistracy of this dictator: but we must not recognise in this more than a means applied for keeping in order the years of the sæculum between its ends, and by no means the opinion, of which Varro was certainly incapable, that the dictator had held his office for a whole year, and that during it there had been no consuls in the republic. Such an inconceivable and unheard of state of things would never have been past over in silence by the annals, which even stated the number of the interrexes. (Compare vol. II. pp. 559. 560.)

Naples; and when places are mentioned, still the repeated and complete devastations of Samnium and the insignificance of the Samnite mountain-villages have very rarely left traces, by which we may find out their position and set ourselves right respecting the war.

The auspices which were taken upon Roman and upon forein ground, were essentially different: and whenever the lawfulness of either of them was doubtful, it could only be tested by being repeated by the same person who had taken them before, and on the same ground where they had been taken [338]. This together with many other points in the very cumbersome ceremonial law of the Romans was still believed at that time to be a sacred duty and was observed conscientiously. A doubt as to the correctness of the auspices, in dependence upon which the dictator L. Papirius had taken the field, obliged him to return to Rome: for the same reason he commanded Q. Fabius, who was left behind to supply his place, to avoid every engagement during his absence. Without regard to religion or the authority of his superiour, Q. Fabius was compelled or seduced by the growing boldness of the enemy to offer them a battle near Imbrinium [39].

[338] This must be supposed to have been the general rule: though it is true that the case could scarcely have occurred, in which it would have been necessary to return from Rome to a forein country.

[39] Or Imbrivium. Hermolaus Barbarus and after him Sigonius and Lipsius conjectured, that this place is to be lookt for on the Imbrivinian hills above Sæbiaco, and that in Livy it might easily have been miswritten instead of Imbrivium. This can be the less ascertained, since in no country have so many places been swept away even to the last traces as in Samnium: but the objection, that these Imbrivinian hills, from which the emperor Claudius conducted the waters to Rome, lay in the country of the Æquians, while Imbrinium on the other hand must be lookt for in Samnium, is good for nothing. The latter indeed is supposed by Livy: but even if we must allow that the expression may be urged, still the Samnites, who had extended so far in those districts that Atina is reckoned as belonging to Samnium, may have reduced the Æquians to subjection, who have not been spoken of at all since the year 366. But it is

The cavalry decided the victory, when the tribune L. Cominius, after several unsuccessful attempts to break through the masses of the Samnites, commanded them to relieve the horses from their cruel bridles, and to cast themselves with the utmost fury upon the enemy [340].

The infantry completed the defeat: the Samnites are said to have lost 20,000 men; a statement, which deserves still less credit than such estimates always ready at hand, inasmuch as some annals spoke of two battles, while others past over the whole affair [41].

Q. Fabius did not conceal from himself, that the dictator could not pardon him: he sent the report of his victory at once to the senate and ordered the spoils that had been taken to be burnt under the pretence of a vow, that they might not adorn the triumph of his irreconcileably offended commander. The latter immediately hastened back to the army, in order to use his whole power for

more probably an instance of his usual carelessness. It should be borne in mind, that the Samnites, if they advanced through this country, could reach the real Roman territory and excite the discontented towns to insurrection, and Livy, according to whose supposition the Romans carried the war deeper and deeper into Samnium, might for this reason mistake a place otherwise well known to him. The quick movements of the dictator to and fro between Rome and the army also leads us to infer that the army was near.

[340] The so-called *gallows let loose,* (*der verhängte Galgen,*) which, as was observed to me by an experienced companion of my studies at Naples, the Romans usually availed themselves of, as the Turks do now. I make this remark, because I remember having often heard, that it is absurd, when we are told in Roman history, that the bridles were taken from the horses. It may be doubtful whether Livy had a clear conception of the matter, but it is certain, that when the horses felt themselves free from that cruel restraint and guided only by the snaffle, that the shock took place with quite a different force, and the timid rider could not keep back his animal.

[41] But Livy himself a few pages afterwards (VIII. 33. 21) unconsciously speaks of two battles. What a history for the year preceding the death of Alexander! Does however the tragic dispute between the dictator and Q. Fabius become more authentic by its having been related by a gentile of the latter, the historian Fabius?

carrying his inexorable judgement into effect; but it was stopt by the resolute sympathy of the soldiers, who protected their leader, and threatened to revolt rather than suffer him to be injured. In the night the accused escaped to Rome, where all ranks rose up for him, as for one persecuted, against a tyrant, until the dictator appeared. The times still existed, in which the whole people quailed before a single man who had the right of commanding unconditionally according to his own discretion; but a cruel misuse of it might annihilate the dictatorship, as it had done the kingly dignity; and if Papirius had hardened himself against the united prayers of the senate and people in the same way as he had defied their reproaches, the highest power of his office would have been destroyed instead of being maintained.

He pardoned without forgiving and returned to the army, where the legate, who had been left behind, had during his absence allowed a detachment sent out for forage to be cut to pieces, rather than venture a battle to save it, in order that he might not be charged with similar disobedience. He himself now led the troops to battle, the indecisive, perhaps unsuccessful issue of which is ascribed to the hatred of the soldiers against his tyranny: here he was made aware, that even the dictatorship could only compel a passive obedience, that even the dictator had his power only from the will of his free fellow-citizens. He condescended to gain the good will of the soldiers, which is always readily given, and to offer to their avarice or poverty the booty, to which a victory would necessarily lead. The most complete victory was gained, and the conquerors plundered far and wide the country which was now exposed. Few towns in Samnium were fortified; to collect an army in the presence of a victorious general, who gave no rest and no time to recover, may have been impossible. The Samnites sued for a truce, which was granted for one year by the dictator,—as he was disposed to lead his troops laden with booty out of impassable districts,

before want of discipline on the one hand and despair on the other should lessen his victory by some misfortune during the winter, and was anxious to return home to his triumph,—on condition that they should clothe his whole army and give them pay for one year.

The Samnites repented of the war, at least as undertaken unseasonably: they sent embassadors to Rome to negociate for peace; but the time for this was not come; they were not conquered nor did they negociate with the feelings of a conquered people. The Romans at that time would certainly not have refused to restore a relation of equality: but the Samnites perhaps could not yet make up their minds, to give up their right to the places and districts, which the Romans had usurped by colonies: Rome assuredly would not concede to them the supremacy of Lucania, and was on its part unwilling to renounce its alliance with the Apulians [342].

It cannot possibly be regarded as a truth, when Livy relates, that the Samnites forthwith broke the truce[43]: they would have thrown away a dearly purchast time for recovering themselves. The charge has surely no other foundation than that the consular year 425 (430) does not pass by without hostilities. But the truce may have lasted

[342] According to a necessary internal connexion there is the greatest probability, that the war against the Vestinians was carried on during this truce, that is, in the summer of 426 (431): — the consuls, after whom the year 425 (430) is named, held their office from September 425 (430) to September 426 (431): — from their country the Roman army would have marcht into Apulia, where the winter is the natural season for the war, as the summer is in the Abruzzi. Since Livy, although in all probability without any authority, certainly without any trustworthy one, expressly places the Vestinian war in the beginning of the consulship, and as it is sufficient to have called attention to the circumstance, I have been unwilling to make any alteration here.

[43] VIII. 37. *Inducias annuas ab urbe retulerunt* (the dictator had the power to grant the truce, and his army had received the price for it): *nec earum ipsarum sancta fides fuit.*

for a whole year beginning in February 425, and the consuls who ruled during only four months of that year, had time enough in the next for the undertakings of which only a very unsatisfactory account has again been preserved.

Without violating the truce the consul Q. Aulius could either complete the army, which had gained the victory over the Vestinians, or lead a new one into Apulia, even before the end of the year 425 during the most favorable season, when the air is mild, and the ground parcht in summer begins to be covered with new grass[344]. The Apulians were not like the Sabellians united into one state, but like most of the Grecian tribes consisted of several towns entirely independent of one another, and very different in extent, power and influence: which were probably split into factions ever hostile to one another, under the banners of two jealous cities, each of which was in favour of the forein treaties to which the other was opposed[45]. Arpi, the greatest of them all, always faithful to the Roman alliance, may have concluded for herself and the towns in alliance with her the treaty with Rome, while others for this very reason may have joined the Samnites. If Apulia was thus distracted, it certainly might be the most urgent business of the consul Q. Aulius to defend the Roman allies, either against other Apulians, or after the close of the truce against the Samnites also.

These advantages gained in distant countries were unimportant, and the troops in Apulia were in the greatest danger of being cut off and destroyed, if the fortune of war changed on the frontier of Latium, and this appears to

[344] In Puglia the ears of the wheat are developt about the middle of April, and it is reapt before the end of May. How Hannibal and the Romans could keep the field throughout the summer upon this burning plain destitute of water is just as inconceivable as that the battle of Cannæ could have been fought during the dog-days.

[45] As Pisa in Tuscany was the head of the Ghibellines, and Florence of the Guelphs.

have been the case in the year 426 (431). It is of no importance, that Livy relates in general terms, that the consul Sulpicius ravaged Samnium without meeting with resistance: more decisive circumstances refute him than merely the inconceivable contrast between such cowardice and the great energy, which the Samnites, although with varying success, displayed in the preceding and subsequent campaigns.

There arose an insurrection in the heart of Latium, in which Tusculum, Velitræ and Privernum took part, encouraged as is at least highly probable by the victories of a Samnite army, which had advanced thus far. Both nations, less concerned about protecting themselves, sought to reach the heart of the enemy with their thrusts.

For the last fifteen years the Romans may have believed, that the sentinels on their walls would never behold again the watch-fires of the enemy: that the farm-houses in the country which had been so often burnt down and plundered, would never again be disturbed in their peace! the soverainty of all Italy was the object of the war which they had wisht for and provoked. It was as great a change as after the battles of Breitenfeld, Nördlingen and Collin, and after the retreat from Moscow: such a change casts down the strongest minds even to despondency.

This renders the panic quite intelligible, of which Livy speaks as of a ghost-story, in consequence of which the whole city one night was called under arms, and the fortified hills within its extent, the walls and gates were occupied by the alarmed citizens. How was it that Livy, to whom the annals gave the same accounts that Pliny knew, could overlook or suppress the connexion? If Tusculum, which is visible from all the hills of Rome, had revolted; if this was the consequence, or was thought to be so, of a total defeat of the army stationed against the Samnites in the Æquian mountains, or even still further towards Samnium, from which no information could arrive through a revolted country: if the army in Apulia could be of no

help to the state, but rather seemed lost;—the panic was indeed natural: and it was very possible, that enemies might have been admitted treacherously into the city, which in many parts was not shut in by walls, but by the steep declivities of the hills, and found support among the strangers in a daring undertaking, which in a war like this was not at all incredible.

It is a weak and foolish habit, which is strange in regard to events of long by-gone times and springs from a vanity unworthy of a mind like Livy's, that prevented him from searching out and depicting with his enviable talent for plastic description, by what prudence, perseverance and heroism, and by what providential weaknesses of the enemy, Rome rose from this extremest danger more victorious than ever.

Now it is only quite by accident that we know, that L. Fulvius, consul of the Tusculans, left them and went over to the Romans, who immediately rewarded him for it with the consulship[346]. All Tusculans were Quirites, and it was not merely one man that can have felt that the fall of Rome would make them the slaves of a forein people; that the greatness of Rome, though they would still have to wait patiently awhile, would one day be their own, as indeed the descendants of Fulvius and of many other Tusculan families equaled in glory the oldest plebeian families. Tusculum and the other revolted towns soon returned to obedience; according to Pliny L. Fulvius himself compelled his fellow-citizens: Livy places the rogation of the tribune M. Fulvius in the same year. That in all the places, which had taken part in the insurrection, the leaders forfeited their lives, needs not to be mentioned; but this did not satisfy the enraged Romans. The rogation of M. Fulvius demanded the extirpation of the Tusculan people, that all the grown up men should be put to death, and the women and children sold

[346] Pliny, H. N. VII. 44.

as slaves. The Tusculans, men and women, the aged and the young, came to Rome in mourning attire and on their knees prayed for mercy, which only one tribe refused when the question was put to the vote; an act of cruelty, which the Tusculans did not forgive its descendants for more than two centuries. There was only a hair wanting to turn the scale; and the ancestors of the Catos, and these in them, would have been swept away. This frightful deliberation appears still more awful in Livy[347], because separated from that which can make ungovernable anger intelligible, it occurs as a cold-blooded unprovoked revenge for antiquated complaints that had long been settled.

Rome was delivered from this imminent danger even before the winter came to its close[48], and brilliant victories had changed the position of the contending nations. To whom the merit of them is to be ascribed, the vanity of the families has rendered a matter of dispute through manifest forgeries[49]. The triumphal Fasti cannot indeed be regarded as original documents, and there remains therefore only statement against statement, when they do not speak of a triumph of the dictator A. Cornelius Arvina, and record that of the two consuls; there is no decisive certainty, that other authorities speak to the same effect[50]. The Fabii and the Fulvii may have been more favored by public partiality, than a family of the Cornelii which had sunk into obscurity. But it is altogether improbable, that the statement should have been invented, that A. Cornelius was appointed dictator, only for the purpose of opening the chariot-race in the Roman games[51] instead

[347] VIII. 37.

[48] The consuls triumpht after the middle of February 427 (432).

[49] Livy, VIII. 40.

[50] For the triumph of the consul Q. Fabius, Victor, de viris illustr. 32; for that of L. Fulvius, Pliny, VII. 44, with the inconsiderable difference, that he triumpht over the Tusculans.

[51] In September, when the consuls immediately after entering upon their magistracy were absent at the Latin holidays, and there the curule ediles had to appear also.

of the pretor, who was severely ill, whereas it is so very easy to conceive, that the fame of a glorious campaign might be falsely attributed to him, who had in some way been dictator in that year. But now as Livy, through whom alone this explanation is known, ascribes in an inconceivable manner the conduct of the war to the dictator, history can scarcely appropriate without doubt his beautiful narrative, in which the dictator and the master of the horse appear in such personal conflict. Yet I cannot deny myself relating after him, that the Roman army on the western frontiers was so surprised by the Samnites in an unfavorable country, that the general broke up from his camp in the night, that he might not find himself surrounded at the dawn of day. The Samnite cavalry followed cautiously, only to retard the march: at the dawn of day their infantry had reacht the Romans. The latter could not avoid accepting the battle: the general hastened to change the marching columns into battle-order, and to bring the baggage from the lines into the rear. Hereupon the battle began with no less passion and perseverance than that first one, in which Romans and Samnites had measured their strength near mount Gaurus. The contest had lasted for five hours without either side gaining ground; only those who had stept into the places of the fallen, changed their posts. About the eighth hour the Samnite cavalry outflankt the Roman line and fell upon the baggage, which was insufficiently protected. In the disorder of the plunder the Roman cavalry rusht upon them and put them to the rout. The victors now attackt the rear of the Samnite infantry; which exhausted and worn out lost its resolution and order. The defeat of the conquered was complete: their general fell, and thousands were made prisoners.

Q. Fabius in the meanwhile carried on the war with the Apulian army not less brilliantly. He conquered Luceria[362], and took eighty-one villages of the Samnites

[362] This is the meaning of the expression of Victor, de viris

and Apulians; and killed 21,000 of the enemy[353]. According to the same narrative for which we are indebted to this account, the Samnites who had invaded the territory of Fregellæ, were compelled in consequence to retreat. Can it be that Dionysius rejected the account of that great battle? L. Fulvius at all events triumpht.

In this unfortunate campaign the Samnites had taken foreiners into their pay[54]: there are also other traces of such forein mercenaries in their service[55]: and this is surprising in a people, which might appear to have been richer in warriors than in gold, although the splendour of the armour imitated from the Macedonian guards, at a time when the country had already suffered frightfully, indicates wealth; and at that time very rich countries still belonged to their state. But one might rather suppose, that Tarentum saw clearly enough, how its existence depended on the victory of the Samnites, to assist the latter with mercenaries or with money to hire them.

Nations of great strength of character and of great resources have sometimes lost their courage after some unsuccessful years of war, when accustomed to good fortune and success they have by a series of humiliating accidents become disgusted with a war, which seemed undertaken without hope and against fate; and have demanded peace at any price, and peace alone: and when it has been refused by the haughtiness of the enemy, the same people accustomed to reverses have afterwards long continued in

illustr. 32, in the language of the triumphal Fasti, that he triumpht over the Samnites and Luceria; and in the next campaign Luceria is besieged by the Samnites.

[353] Appian, I. p. 45. de reb. Samn. Ecl. legat. An attentive examination produces the conviction, that so far as Dionysius goes, Appian does nothing but abridge his account, and thus supplies his place—except where he may have misunderstood him. This number of the slain, especially for this period, no one will take literally.

[54] Livy, VIII. 38.

[55] In the year 440 (446). Livy, IX. 42.

arms, and laid them down, if not always with victory, still never without glory. Thus did the Athenians in the war with Archidamus, the Carthaginians after the landings of Agathocles and Regulus, the Venetians after the battle of Ghiera d'Adda; the English in the years 1796 and 1797. The Athenians too were in other respects not yet unworthy of their ancestors in the Persian war, in their energy of will and of courage, when they despaired in the war with Archidamus.

Such a desire of peace seized the Samnites after the change of fortune in this campaign. All the diets decreed to authorise the senate[356], to consent to all the demands of Rome, the refusal of which five years ago had brought on the war: even to the surrender of the head of the country, Papius Brutulus who was now universally curst as the author of all misfortune, because even now in the days of adversity he rejected humiliating concessions, as the majority had done along with him, when they deceived themselves respecting the issue with flattering dreams: it now accused him as its seducer, as at Athens Pericles and Demosthenes experienced the hatred of all.

When such counsels prevailed, the nation had ceast to exist, for whose greatness and honour the heart of Papius Brutulus beat: his life was useless, but he could still diminish their shame by putting an end to his own life. The Samnites were in truth less degraded, when their embassadors carried his corpse to Rome, than if they had delivered him up to death. Together with his corpse they gave up the Roman prisoners, certainly not a small number, and offered money for the damages demanded by the Roman embassadors. The districts usurped by Roman colonies during the peace would now be only the smallest difficulty.

What demands the senate now made, and how hard

[356] Ut omnibus conciliis fremerent—coacti referre praetores decretum fecerunt: Livy, VIII. 39.

they were, we know not: but we do know that the Samnite embassadors yielded every thing, or only tried to obtain milder terms by entreaties, or at the most stipulated for the decision of the diet[357]: with one single exception. They had fancied to obtain with the renewal of peace the restoration of the old relation of equality between the two states: but the senate demanded, that they should recognise the majesty of the Roman people, and vow to be faithful and obedient to it[58]. The consequence of this relation would have been, that without the approval of Rome they could decree neither war nor peace: that Roman commissioners could have called them to account for all their proceedings: though they might not thereby have yet been bound, to serve with a contingent at the command of the consuls[59]. This the embassadors refused unconditionally as impossible and unbearable, and the whole result of their mission was confined to the ransom of their prisoners. The Romans however made a formal decree to accept no further embassies from the Samnites and not to lay down their arms, until they submitted.

Neither Appian nor Livy mentions a truce: but that both armies, even that of Apulia, were led back to Rome, is probable from the double triumph, and indeed certain from the siege of Luceria at the beginning of the following campaign. All circumstances appear to indicate, that this time too, as in 425 (430), the fruitless negociations were brought about by a truce for one year.

When the news of the result of the embassy arrived in Samnium, rage and hatred threw all other feelings into oblivion; yet the curses against the pride of the enemy were mingled with brokenheartedness. Then one of the generals spoke thus before the diet of the country:

[357] Appian, Samn. p. 46. Ecl. leg.

[58] Majestatem populi Rom. comiter colunto: which Appian very correctly exprest by hegemony.

[59] At least this was not the case after the peace of 443 (449), from which that oppressive restraint follows. Dionysius, p. 2330. Ecl. leg.

"I contradict not those among you, who deem our fathers happy, because they did not live to see this day, and who lament the fate of us the living: but if they believe, that we were less unfortunate five years ago, when we had it in our power to choose between a degrading peace and this war, which they call the cause of our misery, they deceive themselves and deceive the people. If we then had humbled ourselves before the Romans, if we had given up to them our noblest countrymen in chains to be condemned to death in a mock trial, if we had recognised their usurped possession of our territories, the thousands that have fallen in war would, it is true, be living, except those whose lives would have been terminated by fate; many a one who has lived to see his wife and children most frightfully outraged, and who has become a beggar by fire and plunder, would now have lived as before free from care and contented.

"But those who a short time ago fancied, that they could still restore security to every one by some kind of a peace, as well as those who did not despair of their country, now agree in this, that time will efface the misfortune we have suffered, if not from the minds of those who have experienced it, yet at all events from the memory of our descendants; that it is the future, of which we are bound to determine the fate. Now had this misery come upon our people through an irruption of the Gauls, such as so many countries of Italy have experienced, we should all with one voice agree, that it was a national calamity like pestilence and earthquakes, for which no one is responsible: for to purchase peace of such savage barbarians, though not disgraceful, yet frequently does not accomplish the end. But because the Romans demanded only certain concessions under the pretext of the existing treaties, we who were bound to utter in our office what you all at that time thought, and to bring to a decision what you all wisht, have since been often accused, as if we were responsible for this war; and even now, when experience has shewn

the idle nature of the confidence exprest but a very short time ago, that peace might be restored if our pride would only bend a little, even now I read silent reproaches in many a countenance. Now as unity is more needful to us than ever, and our faithful counsels for the future would inspire no confidence in him, who should think that we had been guilty of unfortunate rashness, I must also remind you and inform you respecting some things relating to the past, although what has been done cannot be undone. Oh! believe no one, ye men of Samnium, who says that the war might have been avoided. It was as necessary for you, as for the Romans; an irresistible destiny hurried you as well as them to arms. Your enemies took the guilt from you— if it be a guilt to prevent by force one's equal from becoming one's lord and master — when they demanded the shameful sacrifice of our most zealous countrymen. But if they had even given way on this point — and they would not have given way: — yet could we have acted dastardly without being dishonored: to what should we have come? They would still have concluded treaties with the Lucanians and the Apulians, and when a revolution made them join us again, we should have been compelled to look on, while the Romans by force of arms would have restored their partizans to the possession of the power; while we, the peaceable, should have been obliged to beg of the Tarentines by no means to prevent the transport of Roman legions, or even to open them a passage through our country, and to endure together with their outrages while passing through, their mockery also, that we were helping to put chains upon ourselves! If we had given up to them Fregellæ and Sora, on what grounds could we have prevented them from occupying Arpinum and Venafrum?

"Victories and conquests are the most to be wisht for: but if this good fortune is not granted by the gods, the result of the war hitherto, which the downcast among us call so unfortunate, compared with what our position would have been if we had clung to a state of peace, is by no means to

be despised. It is by our want of determination, by our delay, and by treachery, that the Romans have gained Neapolis: I am well aware how great the loss is for us, and may the gods prevent its remaining in their possession! Some Apulian towns, always hostile to us, have surrendered to them, and a few which were subject to us, have been conquered by them. But of our own free country not one inch is in their power. They have laid it waste, but so have we theirs. The advantages which they continue to possess, cannot be compared with the supremacy over Lucania, which is after all the fruit of this so much lamented war; do we overlook its importance, because it is no longer new, because it is already establisht? We have lost some battles; we have gained others: of the former too none with disgrace: the phantom of our appearance before their gates filled all Rome with dismay. But, say men, whose courage in battle no one doubts, what will be the end? Do we not know, that Rome is resolved rather to fall, than to draw back one step on the road, on which she is advancing to the soverainty of all Italy? Shall we then and our children grow hoary in the war and never arrive at peace? I might answer, that the present feeling of every one of you, which renders it impossible for you to acknowledge the majesty of Rome, decides that the war must last for ever, if peace should be impossible, could I but reckon upon the unchangeableness of this feeling. May it be no evil omen! But if a misfortune should befall us in the field, how should we be able to stand it, if we were not convinced above all things, that a peace is just as impossible for us, as Rome would be unwilling to conclude it?

"Believe not, that I feel less than any of you, believe not, that in order to console and mislead you, I wish to retract or to limit what I owned at the beginning of my speech: that we have been born in a very unfortunate time, and not we alone, but the more ancient great nations in all countries of the earth, so far as we hear of them, compared with those which have risen from obscurity and

are striving to rise above them. When we accepted Rome's declaration of war, it was only the deluded that could indulge in dreams of an uninterrupted series of joyful victories, the end of which would be our supremacy over Italy. Those who have not been surprised at or shaken by any thing that has occurred, scarcely by what has happened through our own fault or that of our people, did not on this account vote with less resolution, *War, may it be happy and fortunate*, because it must be! It must be: and if you wish to end it, you must so live in it, that peace may vanish from your thoughts, just as the idea of rest and recreation does from the mind of the wrestler before and during the struggle.

"If you do not oppose to what the downcast call Rome's eternal resolution, an equal one on your part, you are vanquisht: but if you do, I see for you, if not a greater, at least an equal prospect of victory as for the Romans. Are our soldiers less courageous than theirs? Are our shepherds weaker than the vinedressers of the Falernian land or the ploughmen of the poisonous fields of Latium and Etruria? Have they not adopted our arms? Are their subjects more devoted to them, because they are called citizens? Can it be doubted that they see in us their avengers and deliverers? Do the Hernicans believe themselves safe in a league, which the more powerful party looks upon as unduly favorable? Will not the nations, whose short-sighted grudge against us keeps them neutral, change their sentiments, when they become aware, that nothing but our preservation can prevent them from becoming the slaves of Rome? And if a few years ago Thebes opened her eyes too late, will no nation profit by such an example?

"And has that resolution of theirs been so often tried and tested? The ancestors of these Romans surrendered their city to Porsenna: two generations ago they purchast their burnt city from the Gauls. Victories that will lead you to a similar supremacy over them, I promise

you not: but if you persevere as you expect them to do; if they exhaust themselves, however much you may do the same; if revolt and insurrection change many of their subjects into our allies; — then I should be placing them above you, if I did not firmly believe, that among them too counsellors of despondency will come forward, like those to whom you have lent an unguarded ear.

"Now if fortune rewards our bravery in the same way as it has been favorable to our nation for so many centuries, it will be in our power too to obtain a blessed peace, just as the Romans might have had from us, if we are not presumptuous then, and do not confine our enemies to the choice between subjection and despair. Before this war began, we believed as they did, that both nations could not exist by the side of one another: this pride the gods have taught us to abandon: Italy contains both nations and has need of both, us as a protection against the Macedonians, them against the barbarians of the north: our united forces against an overwhelming attack.

"Moderation in success not only prevents the indignation of the gods against presumption; it changes hatred into affection, chiefly in him who exercises it, but also in him who receives its benefits.

"But what dost thou advise us to do now? asks one. First to propitiate the gods, in case neglect and carelessness in their service may have crept in: next to appease the Manes of Papius Brutulus by sacrifices to the dead and especially by adopting his sentiments. But with respect to human affairs I advise you, to trust and obey me your chosen Imperator, to bind faster what is feeble and loose in our state, to oppose the unity of the Romans with unity: to undertake the war with those sentiments, which I have already adjured you to adopt: to prepare yourselves for it, as if you had to sustain the war alone, which you might do, but at the same time exert yourselves to collect allies around you: cultivate the friendship of the Tarentines, offer them without jealousy the opportunity

of founding a great state: their mercenary army may suffice to subdue Apulia, and they will lend it for this purpose, if the conquest is for themselves: their ships conveying your soldiers may reduce Rome to the extremest distress. Seek to arouse the Sabellian nations from their sleep, and to gain them to your side: there would be one means of certain success, — may the gods put it into your hearts! — I do not consider myself authorised to mention it in this place. As regards myself, whatever turn fortune may take, I promise you, that you shall find me worthy of yourselves, of our forefathers, of my father, and of the confidence, with which I have spoken before you. Let us now implore the gods for their blessing, and that they would humble the proud."

It was probably in the spring of 428 (433) [360] that the two armies of the consuls T. Veturius and Sp. Postumius were assembled near Calatia in Campania. It had been resolved this time to leave Apulia to itself and to unite all their forces for an attack upon the centre of Samnium, probably with the confidence of taking Maleventum, and of thus opening the road to Luceria, which they might maintain afterwards by means of colonies.

The news, that Luceria was besieged by the Samnites and could hold out only a few days, hastened their departure, and the more too, as the passes on this frontier were believed to be guarded but weakly and the main forces of the enemy to be actively engaged in Apulia. The march was arranged as thoughtlessly as could only have happened in a case where men were blinded by fate; in a country, where half-armed peasants could have stopt the

[360] It must be remembered, that the consulship at that time was entered upon in September, and as the next consuls were elected under an interrex, their year also began at the earliest in the same month in 428. Who now can conceive, that the Romans would have allowed more than half a year to pass away, without even making up their minds to wipe off the disgrace, since they would not keep the peace? But this indeed renders a previous truce very probable.

advancing army, or have done them the greatest injury if they allowed them to proceed, in the neighbourhood of Caudium, one of the most important Samnite towns,— whose total destruction was probably the consequence, not only of the universal rage for destruction which laid waste Samnium, but also of anger at the recollections connected with its name, — the army with all its baggage marcht on carelessly in an endless column, the connexion of which was concealed from the eyes of the van and the rear by every turn in the road, just as if it had been in its own country far from every enemy. It had descended through a gorge into a narrow valley; on the opposite side of it there was a second mountain-ridge to be crost by a road just as narrow and impassable. The head of the column found this road blockt up by fragments of rock and trunks of trees, more probably, as in the war in the Tyrol, by fragments of rock kept back by trunks of trees, until the signal should be given, to let them roll down: in the same moment it was perceived, that the whole mountain swarmed with armed men, who awaited the approaching army. Did the Romans then, as has often happened in similar desperate cases, blindly storm the highths, and were they slain almost unavenged by thousands by the missiles of the enemy, or did they attempt to turn back without any loss of time, and to gain the retreat through the gorge over the first mountain-ridge, and did the defeat happen here? That we cannot answer these questions, makes us feel painfully, how completely ignorant we are of the history of this war. But that two consular armies did not allow themselves to be intimidated by the mere sight of the obstruction of the road, and to be shut up like sheep in a fold, so that dastardly obstupefaction instead of despair overwhelmed them, that it was not till after a frightful defeat that they were shut in and obliged to capitulate, this is not only stated by other writers in opposition to Livy, but there exists an indirect, if one will call it so, but indisputable proof of it, derived from an authentic document.

The treaty of peace itself and together with it the names of the legates, questors and officers who swore to it, were preserved and known [361]: but now Appian who, as far as Dionysius goes, is only to be regarded as his epitomizer, says that it was sworn to by the two consuls, two questors, four legates, twelve military tribunes; by all the officers, he adds, who had not fallen [62]. A double consular army, four legions, contained twenty-four tribunes; the half consequently had fallen, or to make every possible limitation, were at least prevented by severe wounds from continuing in their command. This statement now is still far more decisive than the expression of the same historian in his hasty narrative, perhaps still further abridged by the extract-maker of Constantinus, that the Romans were defeated and sent under the yoke [63]: then the narrative of Dion Cassius mangled in like manner by Zonaras, that the Samnites fought like men in despair and took the Roman camp by means of an ambush [64]: and lastly Cicero on one occasion says, that after the battle lost at Caudium the consuls had concluded peace [65]; and on another, that C. Pontius conquered the consuls in the battle of Caudium [66]. And this is indeed so obviously certain, that one might divine the existence of a defeat, even if, what was by no means the case, the falsification of the history, such as it has past through Livy into the commonly received

[361] Spoponderunt consules, legati, quaestores, tribuni militum, nominaque omnium, qui spoponderant, extant: Livy, IX. 5.

[62] *σύμπαντες ὅσοι μετὰ τοὺς διεφθαρμένους ἦρχον.* Appian, Samn. p. 53. Ecl. de leg.

[63] *ἡττήθησαν ὑπὸ Σαυνιτῶν καὶ ὑπὸ ζυγὸν ἤχθησαν,* p. 46.

[64] VII. 26. (p. 364) *ὡς ἀπεγνωσμένοι μαχόμενοι καὶ λοχήσαντες ἔν τινι χώρᾳ κοιλοτέρᾳ καὶ στενῇ τὸ τε στρατόπεδον εἷλον, καὶ τοὺς Ῥωμαίους ἐζώγρησαν πανσυδὶ καὶ πάντας ὑπήγαγον ὑπὸ τὸν ζυγόν.*

[65] Qui quum male pugnatum apud Caudium esset legionibus sub jugum missis, pacem cum Samnitibus fecerant. De Off. III. 30. (109).

[66] Cum C. Pontio Samnite, patre ejus, a quo Caudino proelio — consules superati sunt. De Senect. 12. (41).

opinion of the moderns, had been introduced into the annals so early and so completely, as to have left no trace of a reasonable narrative and a conceivable connexion of events.

Often have I been obliged to fulfill the odious duty, of exposing Livy's falsifications or negligences; but no where does he deserve severer censure than in this part of his history, one of the most brilliant in masterly clearness. The idea of a defeat in circumstances, where victory was impossible after the first fault, is so intolerable to him, that he expresses in the most decisive words, that the soldiers of Caudium were conquered without blood, without fighting, that they had not drawn their swords, had not encountered the enemy [367]: whereby it consequently becomes clear, that he does not speak in another passage of attempts to break through, which were repelled, but only of such as were intended and given up [68]. National like personal vanity is more ashamed of a failure, which betrays limited power, than of the greatest disgrace which is the result of a lazy or cowardly neglect of all exertion: by the former haughty assumptions are put down, with the latter they may continue. As to himself Livy certainly was not vain.

If one might regard the expressions of those, who have mentioned this event with few words, as well weighed, the Samnites according to Zonaras would have conquered the Roman camp by force, not by capitulation, and the troops not have laid down their arms till afterwards; the development of the circumstances, which are here presupposed, similar to those in the defeat of Varus, would lead us too far where all is so uncertain. The statement of

[367] IX. 5. Se — sine vulnere, sine ferro, sine acie victos, sibi non stringere licuisse gladios, non manum cum hoste conferre. — 12. Clariorem inter Romanos deditio Postumium quam Pontium incruenta victoria inter Samnites fecerat.

[68] IX. 4. Quum frustra multi conatus ad erumpendum capti essent.

Appian on the other hand, that the Romans were enclosed in a very narrow place, deserves consideration [369]: if Swinburne had known the whole passage of Appian, it would not have appeared impossible to him, that the Roman army was encampt in the narrow valley of Forchia di Arpaia, which is pointed out as the scene of this catastrophe by all the circumstances, not only by the name of Furcula, to which there was the addition of Caudina in the middle ages, just as in the present day the whole district is still called la Valle Caudina. It was not a camp such as an unbroken Roman army would have made, it was narrow and feeble, like the last of Varus [70]: it might have been very narrow, as the baggage, or at least the greater part of it had probably been taken, and if half of the tribunes were dead or wounded, (for those who were already wounded, must certainly have been left on the field of battle, and the loss of common soldiers was in proportion to that of the officers,) the remnants of the defeated army surely found room in the meadow, where at most they had only means to erect huts for the generals, the multitude bivouackt as they could. It is therefore far from being possible, that fifty or even only forty thousand men should have been shut in here [71]. Dionysius too scarcely found this number stated; he believed it necessary as the sum of two consular armies, which in later times would have been certain enough. But at that time the legion contained 4500 common soldiers divided into five batallions, consequently four contained 18,000 and with the officers and cavalry about 20,000 men, that is when their numbers were thoroughly complete. As to the proportion in which the Hernicans, Campanians and the other municipia must have been present with their

[369] ἐς στενώτατον χωρίον συγκλείσαντες.

[70] Tacitus, Annal. I. 61.

[71] The former number is given by Appian, Sam. p. 47. 49. the latter in the Exc. Dion. XVI. 3.

contingents, we have no direct statements at all: but the very favorable regulations, which were in force at the time when all the Italicans sent troops, allow us to suppose, that a much smaller number was not required to make much greater exertions; and hence there is some probability in estimating the troops of the strangers and of the allies not much higher than those of Rome.

The fate of the survivors who were enclosed by a line of ramparts and palisades [372], was entirely in the hands of the victors, whose mercy was invoked by deputies sent by the consuls, when they began to be prest by hunger. No form of a state's constitution is so wise and no gift of heaven so noble, that circumstances may not render it hurtful. The more opposed the Samnite confederation was to a powerful government, the more indispensable was the dictatorial power, which here appears in the person of the imperator, who determined the terms of the peace on his own authority: a senate or even a popular assembly would never have granted such favorable conditions: with a less noble soul C. Pontius would not have erred as he did.

An old legend, akin to those in which the advice of Thrasybulus and Sextus Tarquinius is askt, relates that C. Pontius askt his father [73], who was of an extreme age and lived in the neighbouring Caudium, for his wise counsel, as to how he should avail himself of his extraordinary good fortune. The words of the old man had certainly

[372] Appian, Samn, p. 53. On the departure of those who were enclosed: ὁ Πόντιος παραλύσας τι τοῦ διατειχίσματος. *A. Samnitibus circumvallati.* Gellius, XVII. 21.

[73] Cicero, de Senect. c. 12. calls him Caius like his son. What the Tarentine Nearchus is said to have related to the old Cato is perhaps to be understood in this way; that Nearchus wrote a dialogue περὶ ἡδονῆς, in which Archytas, the Samnite Pontius and Plato were the speakers. A tradition may have existed respecting a connexion of friendship between the Greek and Sabellian sages; how little the nations were strangers to each other, is clear from the idea of the dialogue.

another meaning in the tradition of the Samnites, from what the Romans pretended to see in them: they reject not only a third alternative, but do not even regard as possible the dismissal of the Romans who were enclosed, without doing them any injury. What do you ask? is the meaning; are the Romans forsooth possest of such ideal magnanimity, that you can turn them into friends by phantastic generosity, such as never has been practist? They remain our mortal foes, and you can only end the war by making a deadly thrust against them. However, the resolution of destroying this army and then of continuing the war, would not necessarily have led to a revolting massacre of half-starved soldiers, which even the merciless Hannibal would not have committed out of battle. The prisoners would have been kept according to the Italian law of nations until they were ransomed, and they would only have been sold as slaves, in case this could not have been agreed upon; they would not have been ill-used like the Athenian prisoners at Syracuse. The allies, separated from the Romans, would have been, as after the battle of Cannæ, pledges and mediators of the treaty between their towns and Samnium.

The determination to which C. Pontius came, was so foreign to the spirit of the statesmen of antiquity, even of the most generous, that it can scarcely be doubted, that his mind had been formed by the doctrines of the Greek philosophers. The Spartans too dreaded to tear out one of the eyes of Greece by the destruction of Athens; but to make Athens an independent state seemed still a merciful use of the victory. C. Pontius may have seen in the excess of fortune offered him, a temptation of the higher powers, and have feared their resentment if he made full use of it: he may have thought, that his nation would lose its virtues in the possession of power without a rival; but thus much cannot be mistaken, that it was justice which guided him in making the terms of the peace. These were: restoration of the ancient equal alliance, evacuation

of all the places that had been dependent upon Samnium before the war,—which seems to refer to Apulia,—and the withdrawal of the colonies from the districts they had usurpt. Indemnifications in money, such as Rome had demanded, are not mentioned at all, even by Livy, notwithstanding his wish to make the Samnites appear overbearing. In order that a peace which deprived Rome of every thing it had gained, should be ratified and observed, for the consuls and the other commanders could only swear to it in the name of the republic [374], six hundred Roman knights were given as hostages.

The concessions of the peace were the price, for which a free return was granted to the Romans who were surrounded. Arms, horses, slaves, all the property except the clothes which each wore, remained in the hands of the conqueror, not as a sacrifice to aggravate their distress, but as the usual condition on which a free departure was granted in circumstances thoroughly unfortunate. Their marching out under the yoke, the name of which sounds so fearful, was no aggravation either, but a common usage. Some palisades were pulled out of the palings that formed the line of blockade, so that a single person could pass through, and this opening was formed into a gateway by a piece of wood placed across at the top. Pontius was so far from behaving with harshness, that he granted sumpter-cattle for carrying away the sick and wounded, and furnisht them with provisions for the whole march to Rome [75], since the good will of their subjects might in truth have been more than doubtful.

The persecution of Hannibal is unworthy, the death of Perseus horrible, that of Jugurtha cruel: but the greatest stain in the Roman annals is the execution of C. Pontius,

[374] Livy proves in a convincing manner, that no treaty was or could be concluded, and the pretended case in Cicero de Inventione is nothing more than a theme invented by the Latin rhetoricians in imitation of the Greeks.

[75] Appian, Samn. p. 53.

when the same fate delivered him into the hands of the Romans, twenty seven years after he had exercised so mildly and gently the office which fate had entrusted to him. It gives us the highest idea of him and his nation, that such an irrevocable errour as the one he here committed, could not have deprived him of the confidence of his nation, since he is mentioned as general down to his old age [376]. Livy does not usually mention the Samnite Imperators: often, when the Samnites rose again after defeats, C. Pontius may have filled them with his spirit and guided them as their general.

The disarmed multitude reacht Capua before night, but shame and mistrust prevented them from venturing to enter the city; they encampt in the fields. Their mistrust however was undeserved: not only must Campanian cohorts too have returned with the Romans, but Capua surely hated the neighbouring Samnium more heartily than Rome, and afforded to the humbled Romans every kind of assistance and refreshment.

When the news first reacht Rome, that the army had been defeated and was enclosed, a general levy had been commanded for its relief, if possible, or at least for the defense of the walls, before which they had to expect the conquerors. The shops had been shut, for the artizans and tradespeople too were obliged to take up arms: all legal business was suspended, and the time deducted from the terms in which payments had to be made [77], because every one was obliged to give up his own business. Such a suspension of all business could not continue, as soon as the troops were disbanded which had been raised by the general levy: but the general mourning continued, which

[376] His country could say to him as Archidamia over the body of Agis: My son, thy too great mildness and goodness have brought ruin upon thee and upon us.

[77] This is the real meaning of *justitium* as well as the etymological one; the time which elapst during its continuance, was not reckoned in the terms of payment.

had been put on without being commanded: the senators had laid aside their purple robes, the nobility their gold rings, the women their ornaments and had clothed themselves in mourning colours [378]: no marriage was celebrated, no sacrifice offered [79], till the year of mourning had expired or been shortened by the accomplishment of the vow for bettering the condition of the state [80]. This mourning was certainly not a feeling for the general humiliation, but arose from the general mourning of families who had lost any of their members.

The army disperst before the gates; the country people retreated to their homes, and those who lived in the city past through the gates under the cover of night: the consuls alone were obliged to endure the humiliation of entering the city in the daytime. But after they had appointed a dictator by the command of the senate, they, as dishonored, discharged no other function of their office.

The resolution of declaring the peace null and void and of throwing the responsibility before god and man upon those who had had the misfortune of being obliged to receive it as a favour, rendered the fate of the six hundred hostages very hard; for there could scarcely have been any senator, to whom some one of them was not related, and many must have had among them sons or brothers. To sacrifice these was more difficult than for Sp. Postumius to give up an insupportable life; for the consuls certainly could not declare themselves free from the guilt of having led the army into its misfortune. It was deliverance from intolerable torment, and it is only a false or artificial admiration that can elevate into something extraordinary, that he should himself have proposed to dissolve the peace at this price, especially as it would have been sure to have been decreed, when the relatives of the hostages got over

[378] Dark-blue. Servius, ad Æn. XI. 287.

[79] Appian, p. 54.

[80] Respecting the manner, in which public mourning was shortened, see Festus, s. v. minuitur populo luctus.

their anguish and grief, however touchingly he and his fellow-sufferers might have opposed it. He would have deserved admiration, if he had ordered the tribunes to accuse before the people the granters of the peace and to take their blood, but to preserve the peace inviolate.

The senate decreed, that all who had sworn to the peace, should be given up to the Samnites, as persons who had deceived them. Among those who were given up with the consuls, we find two tribunes of the people also, Q. Mælius and L. Livius or Ti. Numicius[381]; the difference in the statement of the name cannot endanger the credibility of the main fact. Now many have with justice been surprised, how tribunes of the people could be with the army, as they were not allowed to spend a night without the walls of Rome; but the modes in which it has been attempted to solve the problem, have failed[82]. An instance however has been overlookt, in which tribunes of the people were sent with commissions to head-quarters[83], so that the rule was not absolutely inviolable; and in order to apply this supposition here, it would be necessary to presume, that the Roman army was kept in its position long enough, to enable the tribunes to bring full powers to the consuls to do what could not be avoided.

[381] Livy, IX. 8; Cicero de Off. III. 30.

[82] They are of two kinds: the one, that they were *designati* at the time of the misfortune and were with the army in some capacity or another, is the more tolerable of the two: but according to this we should be obliged to suppose, that the defeat took place between the middle of September and December 428 (433), and that afterwards the Romans did nothing till the middle of September in the following year: a period of eight months. The second would admit that the peace occurred in the early part of the summer of 429 (434), and that officers, who had pledged themselves in it, were *afterwards* elected tribunes of the people. This is in itself incredible, and in this case they would not yet have been in their office in September, when the consuls of 429 (434) made the proposal, since they did not enter upon it till the eleventh of December.

[83] Livy, IX. 36.

But another explanation, which is still worse for the people whose ancestors had consecrated the sanctuary of Faith by the side of that of the Capitoline Jupiter, is unfortunately much more probable. According to Appian the hostages were only to remain, until the people should ratify the peace, and thus one cannot possibly get rid of the suspicion, that in order to liberate them, who were as closely connected with Mælius, Numicius or Livius as with the Claudii, Cornelii and Æmilii, an ordinance of the commonalty was past, which ratified the peace, in which, since no auspices were taken in it, religious hypocrisy which cannot be mistaken in this transaction, could not find any such great scruples. Cicero distinguishes clearly enough the relation of the consuls and that of the tribunes[384]. Livy, it is true, makes them speak of their own sponsio, but this is of no more importance than when on this occasion too he sets forth in a rhetorical manner the pretended meanness of the tribunes, compared with that of the senators. There may however remain a trace of the truth, which otherwise it has been attempted before all things to destroy, in the fact, that according even to his account the case of the consuls and the tribunes was decided separately.

They were led to Caudium before the tribunal of C. Pontius. With the same superstitious folly, which fancied that wrong could be converted into right by the mere letter, Postumius insulted the fetialis by striking him with his foot, after he had pronounced the formula of the surrender, in order that the war might be carried on the more justly, as a Samnite had maltreated the embassador of the Roman people: a farce which appears not only revolting but senseless, unless it can be explained by the supposition, that a *jus exulandi* must have existed between the two people, by

[384] Cicero, de Off. III. 30: consules, qui pacem fecerunt, dediti sunt, eodemque tempore Ti. Numicius, Q. Maelius, qui tum tribuni plebis erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur.

which a citizen departing from the other country might take up the franchise at pleasure[385].

There was little danger of the persons being accepted who were thus offered: by doing so the Samnites would have forfeited their right; and there was no need of the noblemindedness of their great general, in order to save the innocent. But to none indeed save him can the six hundred knights have owed their lives, if they were still in the hands of the Samnites, for an enraged people would have demanded their blood, as they were answerable with their heads for the fulfilment of the treaty[86], or according to the more careful expressions of the Greek historian for the ratification of the peace by the people[87]: and if those hostages were not set free by the Romans till the capture of Luceria in the year following, but more probably not until the second year afterwards, in this case C. Pontius by preventing the exercise of a cruel right must have had an influence over his nation, such as is not easily possest by him whom fortune has made the greatest favorite among his people.

But this liberation of the hostages, just as the recovery of the standards and arms lost at Caudium and the personal degradation of C. Pontius at Luceria, have manifestly the colour of untruth and of a fictitious consolation for vanity; in this way did the annalists believe that they had effaced all the disgrace of Caudium. It is altogether contrary to reason to suppose, that the Samnites would have kept such prisoners, although they were no longer hostages, and those trophies in a forein town though fortified, beyond the frontiers of their own country, and would then have left them there, even when the Romans transferred the war into Apulia. The hostages were either given back, or if they did not die in captivity, were ran-

[385] Compare Vol. II. p. 63.

[86] Qui capite luerent, si pacto non staretur. Livy, IX. 5.

[87] ὅμηρα, ἕως ἅπας ὁ δῆμος ἐπιψηφίσῃ, Appian, p. 51.

somed one by one, when their death after all would have satisfied only a useless cruelty.

It might even seem very probable, that Fregellæ, which came into the power of the Samnites in this year 428 (433), was evacuated in their favour in consequence of the peace, or at least that it was left to them to compel the colonists to withdraw. According to Livy's narrative the Samnites had got into the town at night by surprise or treachery; after a violent resistance in the streets and from the roofs, a part of the armed citizens fought their way through the enemy; the remainder who had credulously laid down their arms on the summons of the herald, were burnt to death. In the same year Satricum revolted to them; this originally Latin town, one of the thirty, had been conquered in the great Volscian war, and as a Volscian or Æquian town had, during the last forty years of the fourth century, been frequently taken by the Romans and lost, and twice burnt: when it became a colony and received the Roman franchise, Livy has neglected to notice[388]. But it is surely not conceivable, that one of the thirty Latin towns lay so far towards the Liris, as to have belonged also to those which the Samnites claimed as an earlier conquest; its site however is utterly unknown, and the weight of the arguments for placing it in the neighbourhood of Antium or in that of Præneste, is not decisive either way.

In Apulia Luceria had again come into the power of the Samnites: and thus it is clear, that the victory of Caudium was by no means followed by no results. But it is also equally clear, that in the campaigns of the years 429 and 430 (434 and 435)[89] the fortune of war turned in

[388] IX. 16. Qui cives Romani defecerant:—plus ea voce—terroris colonis injectum.

[89] I reckon for the campaigns the year which follows the one, that is markt in the Fasti according to the Catonian era with the names of the consuls, since the commencement of the consulship cannot at the earliest be placed before September, and is frequently

favour of the Romans, and that advantages were gained which justified a triumph of the consul L. Papirius Cursor in the second of these years. The account of the occurrences however is exceedingly incredible; and how much this is the case, is clear even from the circumstance, that it is a disputed point, whether the feats, which Livy ascribes to both consuls and to two armies, which made war upon Samnium upon both of its frontiers, were not accomplisht by a dictator with only one army. What belongs to each of the two years, cannot possibly be discerned.

Thus much now is certain, that the Romans again returned to the system of carrying on the war at the same time in Apulia and on the western frontier. They could not mistake the decisive importance of Luceria, which entirely commands the pastures of the wandering flocks and protects or opens Apulia towards the Samnite mountains, and to recover this town was the next object of their greatest exertions. Papirius Cursor had led his army into Apulia by the road along the Adriatic sea without meeting with any hindrance, and had blockaded Luceria. The Samnites who marcht to its relief, although they did not venture to attack the strongly fortified Roman camp, reduced it to the last extremity, by cutting off the supplies from Arpi which had remained faithful, in such a way, that nothing reacht the Romans but what the cavalry could carry through upon their horses. From this distress the consul Papirius was relieved by the second army under Publilius Philo. But that this army defeated a Samnite one and chased it before it as far as Luceria, and consequently forced its way through the whole breadth of Samnium, is exceedingly hard to believe: even if the absence of a triumph was not almost decisive against it. Livy who previously says only, that Publilius remained in his position

driven on towards January by interreigns, which Livy frequently omits to mention; until about the year 450 we may suppose that the consulship began with the new year.

against the Caudinian legions, places his exploits afterwards near Caudium; perhaps only carelessly and because it was not clear to him, that Caudinian legions in the annalists signified the legions of the Caudines, one of the cantons of the nation, and did not necessarily refer to the town:—thus he creates, in order to have a victory of Caudium also, one more improbability, which he might have avoided. For if the Romans had wished to penetrate to Luceria by the shortest way, they would have advanced from the Sidicinian frontier. After an attempt of the Tarentines to become mediators of peace had been scornfully rejected by L. Papirius, the camp of the Samnites was stormed and taken, but not maintained; still they must have retreated and left Luceria to itself, where 7000 Samnites capitulated for free departure without arms and baggage[390]. The Frentanians[91], who had granted to the Romans a free passage to Apulia in consequence of dissensions with the other Samnites, repented too late of their blindness, and after a fruitless insurrection were obliged to submit as subjects and give hostages.

Satricum which was defended by a Samnite garrison, was blockaded without hope of relief. This hopelessness induced the commander of the troops that protected the town, to listen to the requests of the citizens who urged him to depart in the hope of obtaining pardon, if the town sacrificed its garrison. But treachery outbid treachery;

[390] (This account of the taking of Luceria and of the capitulation of the 7000 Samnites in the year 430 (435) in Livy, IX. 15. 16, Niebuhr in his lectures at a later time declared to be a fabrication of vanity just as decisively, as he rejects above the recovery of the Caudinian arms and standards and the liberation of the 600 hostages, which are connected with it. He referred especially to the much more credible statement of Diodorus (XV. 72), that Luceria was not reconquered by the Romans until the year 434 (439). Compare also below note 409.)

[91] The certain emendation of Sigonius (instead of *Ferentani*) should have been received in IX. 16, as has been likewise done against the manuscripts in IX. 45.

the consul was informed by what road and at what hour the Samnites would depart, and while these were expected and attackt outside the town, the enemies of those who had invited the Samnites, had opened a gate, and Satricum like Palæpolis was taken by the sword. The heads of the rebellion were executed according to the Roman custom, and the multitude was disarmed. The punishment was fatal for the town, the situation of which must have been very favorable, because up to this time it had always recovered from repeated ravages; if it were not for the temple of Matuta its name henceforth would never appear again in history; it gradually became quite extinct[392]: the people of Latium should not have hoped any thing from the Samnites, the latter should never have trusted the former.

The years 431 and 432 (436 and 437) past away under a truce; during which however the Romans extended their sway in Apulia and establisht it so firmly, that from this time forth no further attempt is mentioned to withdraw from it there. Teanum and Canusium deprived of forein assistance, submitted as early as the year 431 (436) and gave hostages; yet in the year following the right of treaty was granted to the inhabitants of Teanum[393] and to the other towns, which recognised upon their mediation the supremacy of Rome. Such an advantage was of itself a sufficient indemnification for a severe war, and the pressing necessity of recovering breath must have compelled the Samnites to leave their enemies such free play. But that in order to gain this respite, they degraded themselves contemptibly, and implored for peace lying on their faces

[392] Pliny (H. N. III. 9) reckons Satricum among the places that had perisht.

[393] *Teates* and *Teanenses* are the same people according to the different forms of the ethnic adjective: as *Lucas* instead of *Lucanus*, *Campas* (in Plautus) instead of *Campanus*. But it is perhaps not improbable, that Livy himself believed, that it was meant to designate different people.

before the senate, is assuredly a fable: in such despondency and distress they would have been obliged to evacuate Fregellæ, and have consented to recognise the majesty of Rome.

The campaigns of 433 and 434 (438 and 439), in which the armies were commanded not by the consuls, but by dictators, L. Æmilius and Q. Fabius, were full of events, but these numerous occurrences are so shamefully and at the same time so undoubtedly changed in the minute account which Livy gives, that we may congratulate ourselves upon having a very meagre narrative[394] from one who was unacquainted with Roman affairs, which probably is borrowed from Fabius[95]. An attempt to enrich and adorn it from Livy, would only falsify its simple credibility, and therefore I confine myself to laying it before my readers.

Saticula lay not far from Capua, upon the arch which was described from Calatia near Casilinum over Trebula as far as Nola[96]: it was not a Samnite, but an allied[97] town, consequently an Oscan one. The Romans, whose means for besieging towns were at that time still extremely insignificant, and who could only force a surrender by hunger or a bold stroke of daring, kept it inclosed with their whole army. In the mean time the Samnites had taken Plistica, which was defended by a Roman garrison, and Sora, where the Volscian inhabitants had overpowered and killed the Roman colonists. Upon this occurrence there hangs a

[394] In Diodorus, XIX. 72. In this book too, although he gives the Sicilian history along with the Macedonian, he has not hitherto a syllable about Roman events.

[95] At least he was acquainted with this writer: Exc. ex VII. Diod. ap. Syncellum:—and annalists written in Latin he scarcely read. His Fasti however are so singular, that one might almost suppose, that he did not take them from a Roman, but from Timæus, who had certainly inserted the synchronistic history of Rome in his great work. (Compare however Vol. II. p. 562 and 563.)

[96] Livy, XXIII. 14.

[97] Ad eximendos obsidione socios. IX. 21.

dark suspicion of a crime hitherto unheard of in Roman history. A. Atilius Calatinus was accused before the people of having betrayed Sora. The general prejudice was against him, and he would have been condemned, if his father-in-law, Q. Fabius Maximus, had not given his testimony in favour of his innocence, and declared, that if he had been guilty, he would have taken his daughter away from him[398]. After gaining these advantages the Samnites with a strong army attempted to relieve Saticula, but lost a hard fought and very bloody battle, and the besieged town surrendered. The Romans hereupon ravaged the country of the enemy without resistance, and penetrated into Apulia, which became the scene of the war. The Samnites armed all who were able to bear arms and prepared to end the war by a decisive battle: at Rome Q. Fabius was made dictator, and he appointed Q. Aulius master of the knights. They met the enemy near Lautulæ.

Lautulæ is the narrow pass on the road from Terracina to Fondi between the mountains of Lenola and of Monticelli and the sea[99]: the nearest road to Campania, and, after Fregellæ was lost, the only one. It may appear exceedingly strange, that consuls like Papirius Cursor and Publilius Philo, who were unquestionably elected as those in whom their nation confided, in the same way as after the Caudine peace, in order to improve the condition of

[398] Valerius Max. VIII. 1. n. 9. — The consul of the same name, who acquired eternal glory in the first Punic war, is called in the Fasti A. F. C. N., and was therefore undoubtedly a son of this ill-renowned man, but at the same time a grandson of the great Fabius. — This expression shews, that even as early as this the marriage *sine conventione*, by which the wife remained in her father's power, was common in the great houses also. And by the way: the usurpation of the *trinoctium* was perhaps in favour of the *patria potestas*, not of the independence of the woman.

[99] Livy, VII. 39. The name points to warm springs, as at Thermopylæ. See above note 115.

their country, are not mentioned at all by Livy as commanders in this campaign[100], but it is stated on the contrary, that the consuls remained at Rome, while Q. Fabius led troops for relief to Saticula and there received the army from the dictator L. Æmilius: but this strange appearance will vanish, if we represent the locality to ourselves[1]. The consuls were in the heart of Samnium or in Apulia, far distant from Rome. The plan of the Samnites was to separate the Romans from Campania and transfer the war to Latium: their capture of Sora and Fregellæ was part of this plan; and if they took a firm position near Lautulæ and obtained possession of the Auruncian towns, in that case it was fully carried out, and Campania might resolve to separate itself. Consequently it was not the troops which were in the field against the consuls, that appeared near Lautulæ, but the above-mentioned militia; and the army of the dictator Q. Fabius was a new one, which he had levied at Rome[2]. Here the

[100] Nay he does not once mention their names, and that perhaps for no other reason than because he was himself very well aware of the internal impossibility mentioned above: *consules novi, sicut superiores Romae manserunt.* Livy, IX. 22.

[1] (We must content ourselves here as above, note 337, to refer to the decided expressions of the second volume, p. 560 and 566, which unfortunately have not been worked out in this place by a revision. Niebuhr's later criticism undoubtedly acquiesced no longer in the explanation which is adopted here, of Livy's nameless consulship of the year 439 (IX. 22), but it placed the dictatorship of Fabius and the defeat near Lautulæ still under the consuls C. Junius and Q. Æmilius. We allow ourselves however no other application of this remark than the one assuredly intended by the author, that henceforth the difference between the computation of the years and that of Livy is increast from five to six.)

[2] Critics will not be wanting, who will call such a guess at explanation a romance and will compassionately lament over the history, whose pure sources are thus falsified. For there is no lack of people who pretending perhaps a great enthusiasm for antiquity, do not at all scruple to regard the wars of the ancients as planless expeditions of savages, and in the same way their constitutions as a

Romans were entirely defeated and fled from the field: Q. Aulius, not to share the disgrace of such a flight nor survive it, stood out alone against the conquerors in their pursuit and was cut down.

The defeat of Lautulæ was followed by the insurrection of the discontented subjects all around[403]. The Ausonians about the mouth of the Liris are especially mentioned: and if Suessa, which the Romans protected in 413 (418), had not been carried away by the vortex of the revolt, a colony would not have been sent thither two years afterwards 435 (441), as to a town, which had formerly belonged to the Auruncians[4]. Capua was faithless, though it perhaps let slip the moment for revolting completely. The insurrection may have extended as far as Prænestè; for it is only by a revolt of his native town that Q. Anicius could be a pub[illegible]nemy of Rome, and if he was so a few years before 443 (449)[5], the epochs of 426 and 441 (431 and 447) are not right, certainly not the former.

The situation of the republic was not more threatening after the battle of Cannæ: and Livy has buried in darkness one of the most glorious epochs of Roman history, by rejecting, in order to veil a misfortune, the confession of which after all escapes him, the more unprejudiced annals,

chaos; and think the man ridiculous who exerts all the powers of his mind to bring the shapeless mass into order. Now if I did not consider this possible, and, as it were, an act of reverence for antiquity, I should believe that I employed my time better, in learning the relations of the nearest village from its parish-registers, and the history of the most insignificant campaign from newspapers, than in repeating a history so confused that my head turns giddy in reading it. Whether here and in similar cases I have guest aright, I leave military men to judge, with whom, as well as with myself, vexation at Livy's senseless description of many of the most important events in the war with Hannibal spoils all pleasure in his narrative.

[403] Circa omnia defecerunt: Livy, IX. 23. Mota omnia adventu Samnitium fuerant quum apud Lautulas pugnatum est. IX. 25.

[4] Auruncorum fuerat. IX. 28.

[5] Pliny, H. N. XXXIII. 6.

from which it might surely have been learnt, how by the genius of the generals and by bravery, as well as by the faults of the Samnites, the consular armies were saved from the most pressing danger and effected their retreat to Rome. We may believe his statement, that a new master of the knights C. Fabius led new civic legions to the dictator without loss of time, and afforded him and the remains of the defeated army time for breathing; but that a victory was gained at that time, such as he describes[406], is too obviously a fabulous consolation for a reader spoilt by fortune.

The year 434 (440), the twelfth of the war, was the turning point at which fortune began to withdraw completely from the Samnites. From the time that the victory of Lautulæ had not broken Rome, the prospect never again opened upon them of finishing the war victoriously, at least not by their own powers alone: the calamities of the war afflicted them henceforth much more terribly, and they very seldom were refreshed by retaliation and revenge. One sees how their strength sinks and decays. Their object now could only be a peace which was not disgraceful, and this could only be obtained by a perseverance, ready to seize any fortunate circumstances that might yet arise: and the generation which now bore arms, had for the most part grown up to manhood in war and its passions. With every year their hatred became more burning, and war against the hated people, though an unsuccessful one, was the only state, in which their hearts did not break.

It is much to be lamented, that nothing at all certain is known respecting this campaign either, notwithstanding all the appearance of detailed information in Livy: the difference of his narrative from that of Diodorus is still greater than in the two campaigns immediately preceding.

The account of Diodorus[7] is as follows. After the battle of Lautulæ the Samnites invaded the territories of

[406] IX. 23. [7] XIX. 76.

the Roman allies with great armies: the Roman consuls marcht to their help. The Samnites accordingly abandoned the siege of a town of the name of Cinna: but a few days afterwards a battle took place, which was extremely bloody on both sides, and for a long time undecided: at last however it was gained by the Romans most completely. They pursued the defeated very far and slew above ten thousand of their men. During the days in which this battle was fought, Capua had revolted, and Rome sent C. Mænius as dictator with an army against it. The change of fortune restored the ascendency to the Roman party, which had so long deferred coming to a decision, and the Romans in availing themselves of the general desire of submission adopted a policy, such as they often did in Greece in later times, and by which they bound their adherents more firmly to themselves. The old relation was restored, and they only demanded the surrender of the authors of the rebellion, who put an end to their own lives without waiting for their unavoidable condemnation.

A town of the name of Cinna occurs nowhere in the geography of ancient Italy; but this is not a sufficient proof of the name being written wrongly; for other towns too, which are mentioned in the Samnite wars, are just as little to be found. A known name could be restored only by a forced alteration, and arbitrarily, for the war was carried on upon a very extensive line and probably in part far in the interiour of the Roman state.

The revolt of Capua is denied by Livy, who speaks of secret conspiracies of the nobles[408]: but that its faithlessness had gone far enough to require an armed force for quelling it, is attested by the Fasti too, which state that C. Mænius was made dictator to carry on war. But there is nothing at all improbable in the statement, that Rome accepted the voluntary death of the two Calavii as a sufficient atonement.

[408] IX. 25. 26.

Livy places in the history of this year the reconquest of Sora and Luceria, the destruction of the Ausonians, and a great battle near Caudium: from this the conquest of Sora must be separated, which the Fasti expressly ascribe to the consul M. Valerius and to the year 436 (442), and probably the reconquest of Luceria also, which according to Diodorus occurred in the year preceding 434 (439) [409]. The remaining events cannot be reconciled with those mentioned by Diodorus, and the less so as the Greek writer again passes over Roman events in the following year, or, which is perhaps much more probable, abridging copyists have left them out.

The Ausonians had rather betrayed their sentiments than actually revolted: the consequences of the battle of Lautulæ were perhaps chiefly prevented by the fact, that the nations, which would have become by their position the immediate subjects of the Samnites, if the latter were completely victorious, abandoned the Romans indeed very willingly, but were also at the same time very little inclined to throw their own weight into the scale of the Samnites, which was already sinking. They now observed a kind of neutrality, which was for Roman subjects no less culpable than open insurrection, and refused to receive Roman troops into their towns of Minturnæ, Vescia and Ausona. From these twelve young men of the first families came into the Roman camp and gave advise as to what advantage might be derived from the fear of their fellow-citizens, thus owning the consciousness of their guilt with sufficient caution. Soldiers in disguise with concealed weapons found entrance into all the three towns and assembled in the houses of the traitors. Troops of

[409] The history of this campaign in Diodorus has a remarkable resemblance to that of the year 434 under the same consuls Papirius and Publilius in Livy. There is a striking probability that Livy transferred it to an earlier time, in order to have thus an immediate compensation for Caudium, in consequence of which there remained nothing for him to relate of the two consuls under 439.

armed men lay in ambush close by the walls, and at one and the same hour the sentinels at the gates of all the three were overpowered, and the bloodthirsty soldiers let in. All that survived the massacre, were sold into slavery, and the last who had preserved the once far spread name of the Ausonians, were destroyed: A horrible example taught all Roman subjects, that there was no middle way between absolute faithfulness and rebellion, and that where their adherence had not been preserved completely, it was only the surrender of the enemies of Rome that could save from indiscriminate destruction, even those who were attacht to her in their hearts.

According to Livy's further account the two consuls M. Pœtelius and C. Sulpicius were stationed against the Samnites not far from Caudium, afraid of venturing with their armies into the ill-omened mountains: and were still doubtful whether they should venture upon an engagement, even when the Samnites had descended into the Campanian plain, and their incursions occasioned frequent skirmishes between the cavalry. It was the Samnites who forced them to fight. The battle-array of the Romans is represented in a manner which differs widely from the common descriptions of battles at that time, and such as the annalists so poor and monotonous in their inventions could hardly have manufactured. The left wing under Pœtelius was drawn up in close order; the right was extended in a feeble line, that an unprotected flank might not be presented to the Samnites. Pœtelius at the very beginning of the battle brought up the whole reserve, and by a quick attack with masses, — a thing quite unusual to the circumspect caution of the Romans, — compelled those opposed to him to give way. The cavalry of the right Samnite wing which hastened to their support, was repulsed with equally overwhelming numbers by the Roman cavalry, strengthened by that of C. Sulpicius and commanded by himself. As soon as the victory was secured here, Sulpicius hastened back to his own men whom he

found retreating. The help appeared at the right moment; here too the Samnites renounced the victory, and the flight of the defeated seized upon those also who had given away at first. Those who did not reach Maleventum were cut down or taken prisoners: a statement, which by its indefinite nature deserves more credit than that which speaks of 30,000 dead and prisoners. And although such a victory laid the country open and the Romans may at any rate have appeared before Bovianum, one is not therefore obliged to believe, that the consuls establisht their winter quarters around this town, in order to compel it to a surrender: not only because in the campaigns, the more detailed history of which has at least greater authenticity, the Roman armies never endured the winter in the snow of the Samnite mountains, but on account of the fact which is absolutely decisive, that C. Sulpicius triumpht as early as the first of Quinctilis, although the consulship did not terminate till late in the year. Now if in looking at the Fasti one remembers the account of the battle, it is not conceivable, why the consul Pœtelius did not likewise triumph.

The following year 435 (441) is not markt by any battle, but by lasting conquests whose influence upon the further course of the war was of decisive importance. The Romans had found Fregellæ destroyed, and consequently their colony did not in truth share its dwellings with the Volscian natives; and when it was destroyed by the Samnites, the town which was burnt to ashes[410] remained in ruins, the arx[11] only was occupied by the Sam-

[410] This is alluded to by Livy, IX. 12: circumdatos igni — concremaverunt.

[11] There is no English word which answers to *arx* and ἄκρα. The one as well as the other signifies a highth within the ringwalls very difficult of access; but this highth was never in earlier times, in later very seldom, closed by a wall against the city. The same city may have several such; so it was at Rome, and the verse of the Roman poet:

Septemque una sibi muro circumdedit arces

nites[412]. This was now reconquered, and thus the Latin road to Campania was again opened. Not far from thence lay the Volscian Atina, mighty in ancient days[13], and in Cicero's time * a town not to be despised: this was conquered in the same campaign; and so was Calatia, an Oscan place, not far from Capua. Nola was a richer conquest, a town which cannot have belonged to the Samnite state and still less been subject to them, as the Nolanian auxiliaries at Neapolis are distinguisht from those of the Samnites[14]: but it probably stood in the close relation of isopolity to their collective state. That Nola in possession of a great part of the richest fields in the world, was populous and powerful, requires no proof: the Nolanians had sent 2000 men to Neapolis as auxiliaries. Extensive suburbs lay all around the walls, and these were burnt down by the Romans: the town appears to have surrendered by treaty.

Respecting the conquests of this campaign too it was disputed, whether they had been made by the consul C. Junius Brutus or by C. Pœtelius as dictator. But it may indeed be regarded as certain enough, that the dictator was appointed only to drive in the nail, as is also stated in the Fasti; vainglorious fabrications by posterity

(Georg. II. 535.) is written with great propriety, as indeed in the history of the earlier times the ἐρύματα and ἄκραι, the occupation of which by internal enemies is dreaded (in Dionysius), are such *arces*: the strong highths of several hills: as the whole of the Aventine, before the Clivus Publicius was built, was an *arx* and again included another in its circumference.

[412] Should any one think of refuting such a representation by alleging, that Livy indeed relates IX. 28, that the Samnites took the arx of Fregellæ in 441 and that the Romans immediately gained it again, and rather suppose that he forgot to relate how the Romans between 434 and that year reconquered the town, it would be labour lost to attempt to come to an understanding.

[13] Atina potens. Virgil, Æn. VII. 630.

* Pro Plancio, 8. (21.)

[14] Even now IX. 28. Livy distinguishes the *multitudo Samnitium* and the Nolanians.

are a thousand times more probable than a dishonest detraction of his dignity. Such probably was the case with the Fabian house, according to whose traditions which past over into the annals of Fabius Pictor, Diodorus [15] ascribes the conquests to the great Q. Fabius as dictator of this year: of which dictatorship the Fasti know just as little as Livy. That the campaign however did not pass by without vehement contests and mutual devastations in other parts, and that the main armies observed one another without entering into battle, we may accept from him as a trustworthy addition to the narrative of Livy.

As early as the year 433 (439) [16] or 434 (440) [17] the senate had sent a colony of 2500 men to Luceria, which had surrendered to the Samnites and been taken from them again by force: a resolution, the prudence of which was perfectly proved, however dangerous at that time the lot of far distant colonists might appear: Apulia was protected and remained obedient.

The war against Samnium was a siege, the success of which was decided, if ground was gradually gained, and if they planted themselves so firmly upon what they had won, that a misfortune in the field did not destroy the advantages they had obtained. In addition to this the events of the war they had gone through, directed their attention still more to the necessity, of preserving the communication with Campania by means of fortresses, and of closing the frontier on the Liris, and this the more, as they were threatened with a war from Etruria, which might

[15] XIX. 101. He also confounds the reconquest of Fregellæ with with that of Sora.

[16] Diodorus, XIX. 72.

[17] Livy, IX. 26.—Velleius, I. 14, places the foundation of Luceria three years before that of Suessa: but his chronology of the colonies can the less be regarded as an authority, as on the very next page he places the foundation of the same colony only four years after Terracina, which according to him received its colony in 428, according to Livy in 426.

confine them to the defensive against Samnium. For these reasons a colony was establisht at Suessa Auruñca in 436 (441); and according to Velleius at Saticula at the same time, the situation of which protected the Campanian territory against Caudium. Livy who mentions this colony among the thirty Latin ones in the Hannibalian war, but nowhere speaks of its foundation [418], has perhaps only overlookt it: no time can be conceived more suitable for it.

In the same year moreover Pontia [19] was founded upon the Pontiné islands, opposite Circeii. The Greek name of this group of islands betrays, that they were inhabited by Greeks in those ancient times when the coast was full of Greek colonies: at this time it was in the possession of the Volscians. This colony seems to have had nothing to do with the other system of the chain of fortresses: one sees clearly, that Rome thought it necessary to prevent a maritime power from obtaining possession of a harbour, which is not despised in our days in maritime warfare, and thence disturbing the coast of Latium and the Roman navigation. They may have had before their eyes the maritime towns of Etruria, many of which may not yet have renounced naval war, although Polybius does not mention them at the beginning of the first Punic war among the subjects of Rome who possest armed vessels: Rome may have disarmed them like Antium after their subjugation. It is however just as probable, that the Romans expected undertakings on the part of Tarentum, which in the very same year [20] had sent to Agrigentum a squadron of twenty ships with the troops of Acrotatus, the

[418] Unless he did it in the second decad: but the epitome very seldom neglects the establishment of colonies.

[19] This is the reading of the manuscripts in Livy, IX. 28. The plural Pontiæ may perhaps be correct only for the islands.

[20] Ol. 116. 3. Diodorus, XIX. 70, which Olympic year exactly corresponds to the Catonian 441, although in Diodorus to the consuls of the year 439.

son of the Spartan king: an undertaking, which if it had succeeded in its object, the dethronement of Agathocles, might, strengthened with a part of the forces of Sicily, have been turned against Italy, where the Tarentines had to secure their existence.

To maintain the communication on the Latin road, the foundation of the colonies of Interamna[421] and Casinum was decreed in the same year, and in the following 436 (442) carried into effect[22]. That Fregellæ was restored from its ruins, is all but expressly mentioned. Casinum was not in the number of the Latin colonies in the Hannibalian war; so that if it was not a colony of Roman citizens, — and then it would have been the only one of this kind in the interiour of the country, — it must have been destroyed in consequence of the Samnite wars and not have been restored, just like Sora, which from this time forward no longer occurs as a colony.

The reconquest of this town and victories over the Samnites are ascribed by the triumphal Fasti to the consul M. Valerius and to the year 436 (442): and this testimony has the more weight, as the history of the year in Livy is confined to the indefinite statement, that Valerius continued the war in Samnium against the enemy who was already broken. He himself places the reconquest of Sora two years earlier: it seems that the particulars of this event may be regarded as historical. The very strong position of the mountain town left them no other hope of taking it save by famine, when a deserter promist to shew them a path by which they might climb up the arx; which in towns in this country and of Cyclopian fortifica-

[421] The name exists in Livy only through an emendation, but a very certain one; although the proof from the collection of the Olympiads is worthless. I remark by the way, that the ἐθνικὸν of this town is different from that of Interamna on the Nar; the ἐθνικὸν of the Interamna on the Liris appears to have been usually Interamnis, which is given unanimously by the manuscripts in the Miloniana.

[22] According to Velleius two years after Suessa.

tion usually lies without walls even towards the fields: they trusted to the inaccessible nature of the side of the rock, which was steeply hewn and walled below. But the power of vegetation, which allows strong shrubs to take root and grow in the fissures between the stones which are fitted together and in those of the limestone of the rocks, renders it no longer inaccessible for active mountain-hunters: and the traitor led ten Roman soldiers to the unguarded highth. The Roman army in order to deceive the enemy, had broken up its encampment and removed to the distance of six miles: some cohorts had concealed themselves nearer the town in the forest. The traitor himself running through the streets in the middle of the night called out, that the arx was taken by the enemy. A steep and exceedingly narrow path led down from thence into the town: a small number could defend it against many by throwing stones; stones lay in heaps as the only weapon that was required. There is no doubt that here too, as in similar stratagems, the few who wanted to appear numerous, blew trumpets, whereby the soldiers in ambush were also called up. To drive the enemy from the citadel, seemed impossible; and speedy flight the only safety: but in the confusion, the cohorts which had come up, broke open a gate, and blood flowed till the break of day and the arrival of the consul. He allowed the survivors to live, but selected 225 as the most guilty, who were led to Rome in chains and put to death [423].

It was now the fourteenth year of the war and the ascendency of the Romans could no longer be doubted: if the Romans had been able to make a few more campaigns with undivided forces, the Samnites would have been obliged to submit to the conditions, by accepting which they purchast a cessation of war seven years after the loss of Sora. The threatening war with Etruria, for

[423] Diodorus mentions in this year the conquest of a Marrucinian town, Pollitium.

which, besides the Arretinians, all the states of the nation had united, had compelled Rome as early as 436 (442) to exert all her strength and allow only a part of her forces to march against Samnium: but when this war broke out in the following year, the Romans did not overlook the necessity of continuing that against Samnium on the offensive. They rather determined to make a new effort, which clearly shews, how the republic even then became the more aware of her strength and feared the less to exhaust it, in proportion as her position became more difficult. The decree to appoint duumvirs for the fleet, as Sparta appointed a navarch independent of the kings, is only the expression of the resolution to form a fleet, which appears indeed in the following year, and the continued existence of which, though without being of any real importance, may be perceived in solitary traces down to the time, when Rome formed a real fleet of the line. It can only have consisted of triremes and most of them were probably furnisht by the subject towns on the sea coast: the idea of wishing to be no longer defenseless at sea, has a visible connexion with that of occupying the Pontine islands.

It seems that we have to refer to this period, though probably not till after the end of the Etruscan war, the plan of establishing a colony in Corsica, in order to get timber from thence, and also the unsuccessful attempt to convey to the coast of Italy as rafts the gigantic stems, which no ship could contain. If the work of Theophrastus, which has preserved the memory of this occurrence,* appeared under the archon Nicodorus, Pliny was mistaken in assigning this archonship to the year 434 (440): it belongs to the third year of Ol. 120 or 449 (455) [424], and even without that statement of Pliny, the mention of the immensely large men-of-war of king Demetrius indicate

* Theophrastus, Hist. Plant. v. 9. p. 115. ed. Heinsius.

[424] These dates, which were not written out in the manuscript, have been filled up from vol. I. p. 19.

that the work was not completed at an earlier time[425]. The idea of founding a colony in Corsica, has nothing strange in it, unless we suppose that the ancient Romans had an absolute horrour of water: it would have afforded a point of communication with Massilia, with which they maintained friendly relations. Only it appears, that the jealousy of Carthage would have prevented its being carried into effect: and may it have been this jealousy which frustrated it?

The Etruscan war, little as we can doubt an union among the nations that made war upon Rome, is so entirely distinct from that against Samnium, and its influence upon the latter consists so exclusively in a diminution of the Roman forces which were directed against this quarter, that a synchronistic account of it would only disturb the history.

The Samnites opened the campaign of 437 (443) with the conquest of a strong place called Cluvia, of which not only the situation, but also the name is uncertain. The Roman garrison were taken prisoners, and executed evidently in revenge of the death of the Soranians. Vengeance was inflicted on them in return by a third massacre, when the consul C. Junius retook the same town by storm, and ordered the inhabitants to be butchered without distinction of sex or age. Now it is unaccountable, that, according to Livy's narrative, the Samnites who had so often given battle to two consular armies, did not attempt to stop the consul on his road to Bovianum, the capital of the Pentrians, and the most flourishing and wealthiest town in all Samnium. The towns in Samnium proper had no Cyclopian walls like those of the Volscians, nor do

[425] Theophrastus says (Hist. Plant. v. 9), that firs and pines were greater and finer in Latium than in Italy (Calabria). On the Latin mountains needle-wood scarcely ever grew: on the coast, especially in the territory of Lavinium, it is frequent and not inconsiderable: this sandy district therefore was at that time too not forced to any unnatural production.

they appear to have been surrounded with ringwalls: their security consisted in a situation upon hills difficult of access, which rendered the defense easier for the courage of the inhabitants, but which frequently was not sufficient against a numerous force and boldness. Bovianum was thus taken and yielded unspeakably rich booty: for the Samnites were rich in money too [426]. But the more limited the forces with which the Romans now carried on the war, the less were they able to maintain such a place in the midst of an enemy's country, and Bovianum, so far as Livy's first decad goes, taken three times, was evidently evacuated again each time. The only surprising thing is, that in such a war of extermination a place so often taken was not swept from the face of the earth; but even in a war of extermination the fate of large towns is often rendered tolerable by capitulation; on an important site inhabitants easily gather together again and again; even a post strongly garrisoned attracts them: and Bovianum when it was taken for the third time in 448 (454), was assuredly nothing but a shadow of the town, whose treasures had enricht the Roman army eleven years before.

The principal wealth of northern Samnium arose from the breeding of cattle, and in a country where every one carried arms, and nothing belonged to the enemy but the ground on which his camp was pitcht, it might be much more important for the Roman soldier to obtain cattle to slaughter for his immediate wants, than to drive it away as booty. The peasants had brought everything from great distances into the most inaccessible forests upon the mountains, and in the conviction that the Roman army would come to seek the booty there, a Samnite army had likewise been drawn thither for the purpose of protection

[426] This is clear from the splendour of their armour in the following campaign, from the triumphs in the third war when the country had already been laid waste repeatedly, and also from the presents which they offered to Curius and Fabricius.

and revenge. The Romans were surprised on their march by an attack upon all sides, and found themselves in the most threatening danger of total destruction. But the Roman army was now full of veterans, trained by a fifteen years' war: they formed themselves immediately in battle-order and made a desperate attack upon the hills. They saved themselves, gained a complete victory, and the herds which had been driven thither, became their booty. This account of Livy is confirmed not only by the triumphal Fasti, in which the triumph of the consul C. Junius is recorded, — for triumphs too had been manufactured by family vanity, — but by the much more decisive fact, that the same general dedicated when censor four years afterwards a temple of safety [427], which he had vowed when consul: evidently in this hour of danger: and consequently we may safely reject the narrative of Zonaras [28], according to which the Roman army was deceived by a stratagem of the Samnites and suffered a frightful defeat in these forests.

From the time when Diodorus takes up again the history of Rome, the same groundwork of events cannot be mistaken, notwithstanding all the differences: but in the occurrences of this campaign there is not even the slightest resemblance. For according to him both the consuls carried on the war, and that in Apulia [29]: when a battle was fought in this country near a place called Italium or Talium, the Romans conquered: still the Samnites retained a position during the night upon a neighbouring mountain, called the Sacred. On the following day they were attackt in this position and again overcome with a

[427] Aedem salutis. Livy, IX. 43.

[28] VIII. 1.

[29] The manuscript from which the reading Ἰταλίαν has been changed into Ἀπουλίαν, has, it is true, no authority at all; it is not a different reading, but the emendation of a Byzantine, but not the worse for that, any more than if it had been made by a western scholar.

loss of many dead and 2200 prisoners. They now retreated and abandoned the field to the Romans, who directed their arms against the towns, several of which surrendered without resistance. Cataracta and Ceraunilia were conquered and occupied by garrisons[430]; the name of the latter reminds us of Cesaunia, which the monument of L. Scipio Barbatus mentions among his conquests, but these belong to a later time. Nuceria Alfaterna, a large Oscan town situated in a happy valley in the chain of mountains which separates Nola and Salernum, had in former years chosen the Roman alliance, but abandoned it even before the battle of Lautulæ in 433 (438). In the year 438 (444) the Roman fleet anchored off Pompeii: at least after the taking of Nola the whole country round Vesuvius was subject to the Romans. Marines and rowers who had landed, marcht upwards into the country and ravaged the territory of Nuceria; after they had been satiated with booty and were retreating to their ships, they were attackt by the enraged peasants, many of them killed, and their booty taken away from them.

In the same year, while the Romans had to fight against the united forces of all Etruria, the Samnites according to Diodorus[31] turned their arms against the Roman allies in Apulia[32]: and to make a diversion, the consul C. Marcius prest forward against Allifæ and took it by force. Here his narrative of the events of this campaign ends. Livy, on the other hand, after mentioning the taking of Allifæ and many small places, almost owns that the Samnites avenged this loss by the defeat of the destroyers: for the expression, that the battle was undecided, is outweighed by the confession, that the consul himself was wounded, and a legate and several tribunes killed; and that the army after the battle was so com-

[430] Diodorus, xx. 26. [31] xx. 35.

[32] Here and in many other places he mentions Iapygians; often also Apulians. Had he in the former case a Greek (Timæus) and in the latter a Roman (Fabius) before him?

pletely cut off from Rome, that no messenger could come to it. It was the intention of the Samnites, which they carried into effect in the following war, if they had completely disperst this army, to lead their victorious troops to join the Etruscans, in order to concentrate an irresistible force upon one point, and upon that too, where the Roman state presented an open frontier without fortresses. Fortunately a reserve-army had been levied for the Etruscan war, and still more fortunately it was no longer wanted there, where the victory had been gained, so that the great plan of the Samnites was frustrated and would have been so, even if the army of C. Marcius had been totally annihilated. The reserve could still save it; but there were great difficulties in effecting constitutionally the appointment of L. Papirius Cursor, who above all his contemporaries inspired confidenee of victory. For the road to C. Marcius was inaccessible. Q. Fabius, however, the conqueror of the Etruscans, had never been reconciled to the man, from whose anger his life had been scarcely saved by the humiliation of the whole people: and if he did not sanction the decree of the senate, which appointed Papirius, and proclaim him as the one elected by the senate, in that case the decree which had been made, remained a dead letter and every delay might occasion irreparable misfortune. At this time the previous nomination of the senate must still have been indispensible, otherwise Fabius would have been able to deprive his mortal enemy of the honour and have conferred it upon some one else, for Papirius Cursor after all was by no means the only safety-anchor for Rome: Fabius had to choose between the odious duty of preparing new honours for his most hated enemy, and the fearful responsibility, if not of having rendered impossible the sending of an army to Samnium and the safety of the surrounded legions, at least of having delayed it so long, that every thing might be too late. To place him in this painful position, and thus to reward his victory in a war which had previously filled every one with

anxiety, could, as it appears, only have been the consequence of personal hostility in a faction that had the sway in the senate, which is also manifest in the endeavour to prevent him from crossing over the Ciminian mountains.

"The senate sent its resolution to Fabius by men of consular rank, that his respect for them as well as for the wish of the senate, might induce him to sacrifice his feeling of personal hatred for the good of his country. When the deputation presented the ordinance of the senate, and had spoken in accordance with their commission, the consul departed from them without speaking with his eyes cast upon the ground: so that they were uncertain what he would do. But in the silence of the night, as is the custom, he nominated L. Papirius dictator. Now when they exprest their thanks to him for having gloriously overcome his feelings, he maintained his inflexible silence and dismist the deputation without an answer or mentioning what he had done: so that it became clear, how a violent grief was restrained by a mighty will."[433]

The dictator at the head of the reserve-legions joined the distrest army, whose danger may be most clearly understood from the circumstance, that, notwithstanding all the vehemence of his temperament, he contented himself for a time with observing the Samnites without forcing them to a battle. Livy describes the magnificent splendour of the Samnite army in such a manner, that it has the appearance as if it had been peculiar to this campaign, which, after a war, that had been carried on for so many years, had proved so exhausting, and for the last four years had been so decidedly unfavorable,— would be more unaccountable as an innovation than if an existing custom had been only continued and was accidentally mentioned by the historian here for the first time. The Samnites, he states, had two armies, each armed and clothed uniformly. The one was

[433] Livy, IX. 38. I was obliged to pass over this or translate the substance of Livy.

drest in purple[434] tunics, the other in white linen ones: both had shields of the same form, broad at the top and narrower towards the bottom, the former inlaid with golden, the latter with silver ornaments: the shields themselves were of brass[435]. On their brazen helmets were crests: their defensive armour was as light as possible: only the left leg which stept forward, was covered with a greave: the breast with a sponge, a more certain protection against the stroke of a sword than brass or iron. Now though it appears that there is no ground whatever for doubting, that the Samnites in the battle against Papirius fought in such armour, of which the ornamented shields might long preserve the recollection, and that it was transferred from them to the gladiators, yet we must not allow ourselves to be led to suppose, what, it is true, is directly implied in Livy's account, that the whole army carried such magnificent shields. What free people would thus have lavisht its public treasures upon the decoration of the soldiers? We can only suppose that the batallions formed from the wealthy classes were armed in this manner, in the same way as the principes in the Roman army carried splendid arms: and the Samnites, though Campania was hostile and Apulia lost, had very fine artists in Lucania among their own subjects.

[434] *Versicolores:* at least Livy in speaking of the lex Oppia too uses this word as synonymous with purple, and the playing of one colour into another was the fundamental quality of purple, which however here, and wherever there does not exist any express ground for supposing a different colour, must be regarded as a dark violet. The coccus took the place of the true purple and deprived it of its first rank at Constantinople and afterwards at Rome.

[435] This, it is true, is only an inference; but who would have placed ornaments of precious metals upon shields like those of the Romans? Besides all the Oscan and south Italian pieces of armour which have come down to us, are of brass. The explanation of the gold and silver ornaments as *emblemata*—inlaid work—is not merely the only conceivable one, but also that which is best suited to the words. Even the shields of the Argyraspids ought perhaps to be regarded as such.

In the battle the dictator himself commanded the right wing, and C. Junius the master of the knights the left. Victory began on the latter, which was decided by the emulation of the dictator's troops, and completed by an attack of the cavalry upon both the flanks of the enemy's army: the cavalry was commanded by M. Valerius and P. Decius[436]. The Samnites indeed retreated to their strong camp, but this too they were obliged to abandon to the conqueror before night.

The dictator's triumph was rendered very brilliant by the arms that had been taken, and the splendour of which was still further increast by the unadorned simplicity of the Roman ones. The shields decorated with gold were distributed among the stalls of the bankers around the forum, probably only to be hung out during processions: which surely proves also, that these shields were not there by thousands. The Campanians armed gladiators with them, probably Samnites who had been taken prisoners; and the armour and name remained. That they received this share in the trophies which had been gained by so much blood, confirms what has been said before respecting their right to a share in all booty and their participation in all the wars of Rome.

L. Papirius Cursor is here mentioned for the last time; it was his second dictatorship after five consulships, and one may conclude that he died soon afterwards, otherwise he would occasionally have obtained this dignity again: Livy's expression, that the favour of the people ascribed the glory of the victory he had gained chiefly to the legates, looks like a suggestion, that he had not the love of the people, which decidedly sided with Q. Fabius, not

[436] If there is any ground for what Livy says, that M. Valerius was elected pretor for the fourth time in the following year as a reward for his services in this battle, it was M. Valerius Corvus, who held curule dignities twenty-one times: otherwise one might rather expect him to be M. Valerius Maximus, the collegue of Decius in his first consulship.

only when he was threatened with death. He was on the contrary the man of the senate, and the reputation of being the greatest general of his age, which has past over into history, arose assuredly from the judgment of well-qualified judges, although so far as we know the history, fortune favored him less than his younger enemy Q. Fabius, as well as others of his contemporaries. He never extended the territory of the republic by conquests. But it was he who roused Rome again after the Caudine peace, and we have perhaps hardly any conception of the whole extent of the danger of the year 438 (444), which he changed into a brilliant victory. The little which is preserved of his personal character and habits, shews him as a rough warrior in an age, which was by no means a barbarous one. He possest athletic strength and cultivated it by athletic excess in food and wine, proud of having no equal in this either: it is doubtful, whether he inherited the surname of Cursor, or received it because no one equaled him in running. To render the service difficult was his delight: he rejoiced in the feeling that what was easy to him, was intolerable to others. He punisht cruelly and inexorably, and enjoyed the anguish of death felt by the man who thought himself lost, even when he did not intend to strike the blow[437]. Savageness and love of horrours do not exclude the higher mental powers of true military genius: he may have possest it: generals of his kind too may conquer without possessing this genius: but he is no ornament to his people for posterity like M. Valerius Corvus and Q. Fabius.

The latter in the following year 439 (445) conducted the war against Samnium victoriously, yet without such battles as might gain him a triumph. He succeeded in the important conquest of Nuceria: he also conquered in an engagement in the country of the Marsians. Here Diodorus and Livy directly contradict each other: the

[437] Livy, IX. 16.

former[438] says, that the Romans assisted the Marsians: the latter, that the Marsians and afterwards the Pelignians declared for the Samnites against the Romans and that the former fought with them. So much seems clear, that the Samnites attempted, what they had aimed at already in the year before, to place themselves in military communication with Etruria: and they may have wisht to force the Marsians to join them: but as from this time forward the people of those districts rebel against Rome, first the Hernicans and then the Æquians, but still more as those two Sabellian people, and together with them the Marrucinians and Frentanians, concluded peace with Rome in 443 (449), the testimony of the annals of Livy is strengthened by internal probability.

The urgent danger, lest the Umbrians, who had unexpectedly declared war, might advance as far as Rome, called Fabius against them: the speedy submission of this weak enemy allowed him to lead his troops back.

The Etruscan war, which had been lookt forward to with great expectation by friends and enemies, was ended in despondency in three campaigns by two great battles, and had raised Rome's power and influence to an extraordinary highth: the Umbrians had become an easy and rich prey: but the accession of the four northern Sabellian tribes strengthened afresh the worn-out power of Samnium, and the disposition of the Hernicans and Æquians raised new hopes. Still all was too late to give a more successful issue to the war, for the Roman power had already become irresistible. At the proper time, and when a general union of the tribes of the Sabellian race alone would have hurled Rome down from its highth, jealousy and dislike kept the Marsian league neutral: now when Samnium was already worn out, a relation more satisfactory to their vanity was formed. At that time the old habit of obedience kept back the united tribes, and the enjoyment of

[438] XX. 47.

a treaty disproportionately advantageous bound the Hernicans to Rome: now they saw clearly, that this could not last, and if they could not conceal from themselves, that it was now the very last moment to give vent to their wrath which had been provoked by occurrences that are unknown, yet they were blind to the fact, that it was already too late and that now it was necessary to submit.

The infidelity of the Hernicans became manifest in the following year 440 (446). Q. Fabius retained as proconsul the command of the army and gained such a complete victory near Allifæ, that the defeated shut up in their camp were obliged to capitulate the next morning[439]. Hannibal, inexorable towards Roman citizens, was mild to their allies, even when he appeared to have spared them for years to no purpose: the Romans wisht to destroy the confidence of the allies in the Samnites, and to prevent them by fear from joining their cause which was sinking more and more. Hence the Samnites obtained free departure, without their arms and their property: their allies and friends[40], seven thousand in number, were sold as slaves: with the exception of the Hernicans, who were found among them, and who after being tried whether they had chosen this service of their own accord or according to a decree of their towns, were assigned as high traitors to the allied tribes to be kept in custody under their responsibility[41]. There is no doubt that they were executed, if those who owed no duties to Rome were sold into slavery.

When Fabius, notwithstanding this defeat, had withdrawn his army for reasons unknown to us, or after an

[439] It is strange that Fabius triumpht neither on account of this nor of the previous campaign. The successful issue, of which the recollection is preserved, must in both years have been outweighed by disadvantages: in the second we know of the conquests of the Samnites, which surely presuppose a victory in the field.

[40] Among them Æquians. Livy, IX. 45.

[41] In the same spirit it was proposed to distribute the accomplices of Catiline among the municipia.

avenging victory, which is not mentioned, the Samnites appeared with new strength and formidable forces. Calatia and Sora with the Roman garrisons fell into their hands. The hatred went on increasing, and the prisoners were cruelly ill used, probably scourged and beheaded; they conquered also Arpinum, and a town of uncertain name, Cesennia[42]. They probably arrived at Sora and Arpinum from the country of the Marsians; both strong towns were doubly important, in order to obtain communication with the Hernicans who were already wavering in their fidelity to Rome.

For a series of years no Roman army had been sent into Apulia by the road along the Adriatic sea,—this must have been done this year, as L. Volumnius, the collegue of Fabius, carried on war with the Salentinians, who must have attackt the Roman allies in Apulia. The Vestinians who had sided with the Samnites at the beginning of the war apart from their allied nations, must now have separated themselves from them, when the others had joined them: they were not among those who concluded peace in 443. (449): but they did conclude a treaty alone with Rome two years later[43]. This neutrality opened the most difficult part of the road, although one tract still remained where they had to fight their way through a hostile country. Volumnius is said to have been victorious in many engagements, to have conquered many places, and to have enricht his troops with booty: but no triumph followed the war. Diodorus says not a word respecting the campaign of this year: but what he relates under the following year[44], perhaps belongs to the Apulian war of Volumnius: the Romans,—he says, the consuls,—came with a great force into Apulia, and there gained possession by blockade of a town, Silvium, which

[42] The emendation Cerfennia seems inadmissible, as this place lay deep in the country of the Marsians.

[43] Livy, IX. 45. X. 3. [44] XX. 80.

was defended by a Samnite garrison, and obtained 5000 prisoners.

The investigation which the senate commanded respecting the help afforded to the enemy by the Hernicans, induced the instigators of this measure to accelerate the open revolt. At a general meeting at Anagnia all the Hernican tribes, except those of Alatrium, Ferentinum and Verulæ, decreed war against Rome: an expression, which, if there is any accuracy in it, implies that the Hernican nation was considerably greater than we usually suppose. Anagnia is mentioned in a manner which opposes it to the other Hernicans, almost in the same way as Rome formerly stood in relation to the Latins [445]: it was moreover a large town for those countries.

C. Marcius was sent against the Hernicans in the year 441 (447): the other consul P. Cornelius marcht against Samnium, in order to prevent the Samnites by the necessity of defending their own homes from transferring the war at last permanently into the heart of Latium. If we consider all the localities in a war in which Anagnia was hostile and Sora and Arpinum in the hands of the enemy, we can scarcely doubt, that he had prest forward through the land of the Marsians: he soon found himself cut off from all communication with Rome, and the apprehension of an exceedingly unfortunate issue became so great, that all persons at Rome capable of bearing arms from the seventeenth to the forty-fifth year were compelled to take the military oath; and four legions formed ready to march. But P. Cornelius maintained himself in the heart of the country of the most warlike enemies, though surrounded, enclosed, and deprived of every supply, with such ability and with such success, that the object of his movement was fully attained, and his collegue was enabled to end the war against the Hernicans and join him. Perhaps how-

[445] Jam Anagninis Hernicisque aliis bellum jussum erat. Livy, IX. 43. De Anagninis Hernicisque: Triumphal Fasti.

ever he escaped the fate of Varus only by the circumstance, that the Samnites feared to attack an enemy in a desperate situation and a strong position, before whom they had so often retreated upon favorable ground: they expected, that necessity would compel him to break up his encampment. But C. Marcius at the same time had met with incomparably less resistance than the ancient renown of the Hernicans had led him to expect. He drove them in a few days from three strong positions, whereupon they purchast a truce of thirty days with money, provisions, and clothing: a truce, which he undoubtedly availed himself of immediately, to hasten to the assistance of the second army which was enclosed by the enemy. When close by, the columns on the march were violently attackt by the Samnites who stood opposed to P. Cornelius, and the battle was fought with uncertain success, until the flames that broke out from the Samnite camp, announced to both armies, that P. Cornelius had overpowered the insufficient garrison which was left behind, and would fall upon the rear of the army that was arrayed against his collegue. A panic seized the Samnites and they fled in all directions. That thirty thousand were slain in a battle, after which neither of the two generals triumpht, must be regarded as a story after the fashion, perhaps by the hand, of Valerius of Antium, which is characterised also by the addition, that the consuls did not pursue the enemy, but were contented with effecting their union. That the news of the unfortunate result and of the sudden despair of the Hernicans induced the authorities of Samnium, to decree new preparations and a general levy of the country, and to send it to support the troops who, being now compelled to make war upon the Romans, had to meet the second consular army, contains in itself the certainty of its truth: and it would not be at all without example, that this reinforcement, which, had it arrived one day earlier, might perhaps have decided the victory of its own people, approacht immediately after the battle was lost, as Livy relates: but

if they were able to receive the defeated and, instead of retreating with them, could advance toward the camp of the conquerors, in order to take up a position in their sight, in that case one needs know war only from hearsay to perceive, that fugitives, who remain after the destruction of nearly a whole army, carry with them in their flight a much greater number, especially of new troops, but can never on the same day join the latter, be drawn up in order, and advance again against the enemy. The interval of one night effects an immense change. Now, however monstrously the first defeat of the Samnites may be exaggerated, and however doubtful it may be whether the second engagement occurred on the same or a subsequent day, yet we may take it as a fact, like almost all the rest which must supply to us the place of a history of this war, that the new army was attackt by the united Roman one and was with far less exertion driven from the highths and routed [446]. Since all hope from the Hernicans too was frustrated, the Samnites now petitioned for a truce, in order meanwhile to negociate for peace, and purchast it at the price of a supply of corn for three months, of a full year's pay and of clothing for the whole army. Marcius, who triumpht over the Hernicans on the first of Quinctilis, consequently left Samnium even in the spring. It is not till after the truce and his return, that we can conceive that the Anagnians submitted unconditionally. P. Cornelius remained in Samnium till the end of the year, and Marcius seems to have returned thither, when the negociations were not followed by peace [447]. But peace was not concluded, undoubtedly for the same reason as in the year 427 (432), because the Samnites could not even yet make up their minds, to renounce the dignity and the rights of

[446] The twofold victory over the Samnites is also mentioned by Pliny, xxxiv. 11.

[447] For the elections were held by a dictator, *quia neuter consulum potuerat bello abesse.* Livy, ix. 44.

an independent state. At this point the account of Diodorus[448] comes in, namely, that in order to force them to a peace at last, Samnium was systematically ravaged for a space of five months. The Roman armies marcht from one district to another, and did not change their camps till all the dwellings were reduced to ashes, all cultivation destroyed, and all fruit-trees cut down. These five months of devastation still leave time for a three months' truce.

The decision respecting the fate of the Hernicans I shall mention in the internal history.

The history of the last two campaigns is as obscure and uncertain as of any in the whole war. When the Roman armies had at last evacuated the deserts which were their work, the Samnites revenged themselves by an inroad into Campania, and made the Stellatian and Falernian territories pay for what they had suffered[49]; of which the latter was distributed as property among Roman citizens. The rest of the narrative however is not only quite different in Diodorus and Livy, but the latter himself does not conceal, that he knew two contradictory statements. According to Diodorus, the Samnites were compelled by an engagement, in which they lost twenty standards and two thousand prisoners, to evacuate Campania, and hereupon the Romans took Bovianum[50]. According to Livy, the first engagement occurred in the interiour of the country of the Pentrians, into which both the consular armies had penetrated and were encampt not distant from one another, but still separate: L. Postumius near Tifernum, Ti. Minucius near Bovianum. The former alone fought with the enemy: and while some annals, which always give the loss of the Samnites such as only a great empire could sustain and get over, state it in this battle at twenty thousand prisoners; others inform us, that the victory was so far from decisive, that the consul esteemed himself fortu-

[448] xx. 80. [49] Compare Diodorus, xx. 90.

[50] Bolæ may be his own mistake, but it is nevertheless a mistake.

nate in reaching his collegue, who was opposed to a second Samnite army, by a prudent retreat and a night-march: and that this assistance decided a no less doubtful engagement, which lasted till late in the day. In this manner the Samnites are said to have been entirely crusht here, and to have lost twenty-one standards: the united Roman armies are then reported to have directed their march to Tifernum, where they gained again a no less decisive victory, took twenty-six standards, and got the Samnite Imperator Statius Gellius into their power with a great number of other prisoners. On the following day Bovianum was stormed and soon taken. Diodorus on the other hand places a second battle after the conquest of Bovianum, and states that Gellius did not appear before the place until then with only six thousand men, that most of his soldiers were slain, but that he himself was taken prisoner with a few others. Now if the more moderate numbers deserve more credit, the triumphal Fasti which ascribe the triumph to L. Fulvius the suffect consul, confirm the statement which Livy* mentions only as a different one, that Minucius received a fatal wound in the battle, and that Bovianum was taken by L. Fulvius who was elected in his place: a statement, which separates all the events much further from one another. Both historians agree in stating, that Sora, Arpinum, and the previously mentioned Cesennia of uncertain name were reconquered at the end of the campaign.

If family vanity recorded false triumphs under the ancestorial images, the triumphal Fasti too, with whatever care they may have been compiled, give no certainty that the consul P. Sulpicius gained battles in Samnium in the year 443 (449). According to Livy this year past by without any hostility under a truce, during which negociations were carried on, but the Roman army remained in Samnium and was maintained by the country.

* IX. 44.

Livy says that the ancient alliance was restored to the Samnites[451]: but that this statement is quite erroneous, is proved not only by internal evidence, but by express testimony. It is Dionysius with his exemplary precision in his words, who informs us, that the Samnites acknowledged the supremacy of Rome in this peace[52]. Rome had been willing to conclude a peace upon this condition even as early as 427 (432), and as at that time, so afterwards, the often renewed negociations must have been broken off, because the Romans would not give up this point, and the Samnites would rather risk and suffer any thing, than yield to it. Now it was a consequence of this treaty, that the Samnites were obliged to renounce the supremacy of Lucania and to break up their alliance with the Marsians, Pelignians, Marrucinians and Frentanians. Thus they were confined within the limits of their own country, the boundaries of which had been much narrowed by the conquests of the Romans. All the Volscian towns, as well as Nola and Nuceria, were now subject to the Romans. Whether Salernum and Buxentum were lost as early as this[53], and consequently their communication with the Lower Sea was stopt, in the same way as the separation of the Frentanians excluded them from the Adriatic, is unknown: it was equally important to the Romans, both to open a road for themselves into Lucania, and to shut the Samnites entirely in. In the interiour of the country too the Apulians and Lucanians divided Samnium from Tarentum.

It was still harder than such external losses, that Rome now had a right to interfere in all the external relations

[451] Foedus antiquum redditum. IX. 45.

[52] ὅτι τοὺς ὑπηκόους ὁμολογήσαντας ἔσεσθαι, καὶ ἐπὶ τούτῳ τῷ δικαίῳ καταλυσαμένους τὸν πόλεμον, ἅπαντα πείθεσθαι δεῖ τοῖς παρειληφόσι τὴν ἀρχήν. Exc. legat. p. 2331. R.

[53] Both towns together with their territory were given to Capua: see above, note 208. Surrentum was certainly given to the same city in this war.

of the Samnite people: and thus it was only a truce: for it was an intolerable peace; and during every year that it lasted, the Romans establisht their supremacy more and more firmly, and the difficulties of an attempt to break the yoke continually increast. But Samnium had lost so much blood, that for the present what was given up could not be saved; repose might give strength to avail herself of more favorable times. To the Romans such a peace was nevertheless highly welcome: they too needed relaxation from their exertions, and the healing of the internal disorders required peace.

Diodorus says, that the war lasted twenty-two years and six months, which is not true, since its real commencement cannot be placed earlier than the year 424 (429). But he undoubtedly reckoned from the beginning of the war with Palæpolis, and moreover from the beginning of the consular year in which it broke out, down to the end of the year in which the peace was concluded. Now the consuls of the year 428 (433) entered upon their office on the first of Quinctilis; but at the end of the war not till towards the end of the civil year: as indeed the Fasti in 443 (449) place the triumph of the consul still in office IV. *Kal. Nov.*, and another in 449 (455) on the Ides of November[454].

[454] (Compare Vol. II. p. 560.)

RELATIONS BETWEEN ROME AND THE NATIONS BORDERING ON SAMNIUM AFTER THE PEACE.

The fate of the Hernicans was upon the whole decided in the same way as that of the Latins had been thirty years before. The three towns which had not revolted, retained their laws, and mutual connubium: without doubt the commercium too: but scarcely the right of holding diets. Anagnia and the other Hernicans became municipia without the suffragium and were governed by prefects, who exercised jurisdiction among them, and whom the Roman pretor appointed annually[455]: for their ordinary magistrates who remained nominally, in order that the worship of the gods might not be disturbed, were exclusively confined to the performance of the priestly functions of their office[56]. They were deprived of the connubium with the other Hernicans and undoubtedly of the commercium also, and this too with the same intentions as the Latins had been. Frusino lost according to Diodorus as early as 441 (447), according to Livy as a punishment for an attempt to excite the nation to revolt in 444 (450), a third part of its territory: which land, as Diodorus states, was sold. Rome had now got rid of the obligations incumbent upon it by the treaty, though these perhaps latterly had no longer consisted in giving up a third part of the spoil, but in the

[455] Festus, v. praefectura. [56] Livy, IX. 43.

Roman treasury giving pay to the contingent of the Hernicans[457], and only assigning a part of the spoil to them: which was considered so important a gain, that an equestrian statue was erected to C. Marcius in front of the temple of Castor[58].

In the last year of the war, when the Samnites were already bound by a truce, the Æquians were threatened with punishment, because a great number of them had served among the mercenary troops of the Samnites, and because after the dissolution of the Hernican state nearly the whole people had openly taken up arms for the Samnites. It seems that the senate, besides the surrender of the instigators of those measures, commanded the Æquian people, without consulting its wishes, to accept the Roman franchise[59]; if this was without the suffragium, as it had been decreed to the Anagnians, the change was painfully oppressive without affording any decided advantage; and even if the full franchise was given, the burthen of the taxes and of the military service was great, the annihilation of the customs of their forefathers and of their native honours and nobility was bitter, while their proportionate share in the soverainty turned out to be insignificant, and

[457] (Compare above, p. 83, note 158.)

[58] Livy, IX. 43. Pliny, XXXIV. 11.—The Παλίνιοι, who according to Diodorus (XX. 90) were conquered by the Romans in 442 (448) and deprived of their country, and to some of whom the Roman franchise was given, are hardly the Pelignians as the reading has been emended; but the name is probably falsely written for Ἀνάγνιοι, which might very easily occur in the uncial writing. The difficulty arising from his distinctly calling the Anagnians Ἀναγνῖται in c. 80, is not nearly so important in his case, as it would be in that of any other writer, for Diodorus, as Wessling remarks on XX. 101, is extremely inconsistent in ethnic names; the Æquians for example he sometimes calls Αἶκοι, sometimes Αἶκλοι, and sometimes Αἰκανοί.

[59] I think, that this is a clear inference from the words of Livy, IX. 45: *tentationem esse ut inclusso terrore belli Romanos se fieri paterentur*, &c. That the Æquians actually became citizens, will be shewn hereafter.

such country people could have had no hope at all, nay scarcely any desire, of sharing in any part of the honours of the state. It is therefore no wonder that the Æquian people chose war, in order to avert what two centuries later the allies rose to gain by the most bloody war, and in the hope that the negociations for peace would this time too be broken off. But the times were gone by when the Æquian name was formidable to the Romans. They had collected their forces into one camp: but when the overwhelming superiority of two consular armies stood opposed to it, the assembled army disperst, despairing of the event of a battle, so that the contingent of each town returned home, in order to fight for its own friends. They had forty-one townships: their country extended from the neighbourhood of Mount Velino, where Alba was still Æquian[460], perhaps almost from Rieti down to Præneste, Tibur, and the Hernicans. These forty-one townships, many of which had Cyclopian fortifications, as their nameless sites still shew, were conquered one after another in fifty days, and for the most part either burnt or destroyed[61]. It may have been at this time that the towns were destroyed, where, according to Varro, the Aborigines dwelt in very ancient times[62]. The subjugation of the Æquians, if the triumph of Sulpicius deserves credit, had been completed more than a month before his return from Samnium[63]. Their fate according to Livy induced the Marsians, Marrucinians, Pelignians and Frentanians to conclude a treaty with Rome, which, if the expression of

[460] Livy, x. 1. Compare iv. 57, where a castellum on lake Fucinus is mentioned. That it is called Volscian, is of no weight considering the constant confusion of these people.

[61] The accurate agreement of Diodorus with this statement gives to his differences at least the weight, that one sees, that he actually derived his accounts from annals, th[illegible]h perhaps often not without mistakes.

[62] Dionysius, i. 14.

[63] Sempronius triumpht vii. *Kal. Oct.* Sulpicius *Kal. Nov.*

Diodorus might be considered as well weighed[464], was an alliance affording protection, and hardly an equal one.

It is to the second Samnite war, which often put the fidelity of the Roman subjects to a test which they did not stand, that the oldest of all Roman documents undoubtedly belongs; the senatus-consultum made on the proposal of the pretor L. Cornelius: for this L. Cornelius, son of Cnæus, is certainly the same L. Cornelius Scipio Barbatus, begotten by Gnævos, whose coffin is one of the most venerable monuments at Rome: the inscription on it says expressly, that he had been pretor[65]. It gives to the Tiburtines the assurance, that the senate would receive as true and valid their justification in reply to the charges against their fidelity, and that it had given no credit even before to these charges: "because we knew that we had not so deserved of you, that you should do it, and that it would have been unworthy of you to do it, and that it would not have been useful to you and your state; and after the senate has heard your speeches, we believe still more what we thought before, that you have not sinned in these things. And as you are justified in the sight of the senate respecting these things, we think, and you must believe, that you will be considered guiltless in the sight of the Roman people also"[66].

[464] ὁ δῆμος Ῥ. πρὸς—(αὐτοὺς)—συμμαχίαν ἐποιήσατο. Diodorus, xx. 101.

[65] In the sixteenth century, when this monument, which was discovered more than two centuries later, was not yet known, people referred this senatus-consultum to a much earlier period, in consequence of the names of the senators, who are named as witnesses present when it was written down: almost immediately after the taking of the city by the Gauls. But at that time there was yet no pretor.

[66] I transcribe the whole senatus-consultum, as many readers may not have at hand Gruter's collection, just as it is given by him p. 499, only filling up some of the abbreviations, and without answering for all the readings: for I, for my own part, should feel inclined to read L. Postumius L. not S. F. &c.—L. Cornelius Cn. F. Practor

The crime which the Tiburtines were charged with having committed against the Roman people, can have been nothing else but some alleged treacherous design. This might have taken place in 426 (431) or 434 (439). But as the Æquians bordered upon the territory of Tibur,

Senatum consuluit a. d. III. Nonas Maias sub aede Kastorus: scribendo adfuerunt A. Manlius A. F. Sex. Julius, L. Postumius S. F. Quod Teiburtes verba fecerunt, quibusque de rebus vos purgavistis, ea senatus animum advortit ita utei aequom fuit: nosque ea ita audiveramus ut vos deixistis vobeis nontiata esse: ea nos animum nostrum non indoucebamus ita facta esse propter ea quod scibamus ea vos merito nostro facere non potuisse: neque vos dignos esse, quei ea faceretis, neque id vobeis, neque rei poplicae vostrae oitile esse facere: et postquam vostra verba senatus audivit, tanto magis animum nostrum indoucimus, ita utei ante arbitrabamur de eieis rebus af vobis peccatum non esse. Quonque de eieis rebus Senatuei purgatei estis, credimus vosque animum vostrum indoucere oportet, item vos populo Romano purgatos fore. —— The brazen table, which contains this senatus-consultum, was found in the sixteenth century at Tivoli, in the neighbourhood of the cathedral, where the temple of Hercules with its library once stood. Ficoroni still saw it towards the middle of the eighteenth century in the library of the Barberini, which was then still rich in antiquities: now it is no longer found there, as I have been expressly assured on repeated enquiries: and I imagine that the same carelessness, by which the house of the Barberini soon after the time of Ficoroni lost so many other treasures of art and antiquity, also caused the loss of this, the value of which was then well known: for Garatoni, who was librarian to this princely house during almost the whole time of the pontificate of Pius VI., does not mention this senatus-consultum, where he had immediate occasion to do so, if he had it before his eyes. It has unfortunately disappeared entirely from the world: I at least have sought for it in vain in all the collections of Italy accessible to me, and which were likely to be enricht from that of the Barberini, and have found no one who even knew of a report as to where it had been carried. Thus too has the senatus-consultum respecting the honours of Germanicus, of which Fea fortunately took a copy in plaster of Paris, disappeared entirely from the world.—Gruter says after Fulvius Ursinus, that the writing was very ancient: on this point one may now speak with much greater certainty than was then possible: a later copy, as that of the inscription of Duilius, may be just as genuine as an original.—Would that others would search after traces of this table!

it is exceedingly probable, that the charges were brought against them before the outbreak of the war against this people and after the subjugation of the Hernicans; which supposition is also strengthened by the fact that L. Scipio was consul in 448 (454).

I think, that the dignity, moderation and faithfulness towards a faithful town in this document should reconcile an impartial judge to the Romans of that time, notwithstanding many a reproach which their conduct in those times has occasioned: but I always except the breach of the Caudine peace, which nothing can excuse. Otherwise it should not be overlookt, that the struggle of Rome with the Samnites involved its existence, while it was for sovereinty: and that the Romans, called by providence to give a new form to Italy, against which the Samnites alone struggled with justice, because they too might have done it, acted from necessity even in the hard oppression of the nations which they crippled and endangered.

The acquisition of public domain from the Æquian war was the greater, as the numerous townships were taken by the sword one by one. When therefore it was decreed to found a colony at Alba on the lake Fucinus, which was to keep the Marsians as well as the Æquians in obedience, there was sufficient land to be assigned to six thousand colonists in 444 (450). Alba is a Cyclopian town, and was regarded as one of the strongest places in all Italy. In the same year a new colony of four thousand men was establisht at Sora; three [467] or four [68] years later and in the country of the Æquians too Carseoli was founded as a colony with four thousand citizens. This fortress and Alba lay upon the road afterwards called the Valerian, which like most of the Roman roads was a highway long before it was constructed with art, and led from Tibur in the valley of the Anio up to Carseoli, then to Alba and through the Marsian country to the mouth of the Tronto.

[467] Velleius, I. 14. [68] Livy, x. 13.

The despair at such works, which establisht the duration of the Roman empire immoveably, twice drove the Æquians in 445 and 446 (451 and 452) to a hopeless revolt, which was very soon subdued. The first time, when the new citizens of Alba maintained themselves with their own forces alone against a vigorous attack, the cause directly common to them both had united the Marsians to them [469], who were just as little able to resist the Roman arms. They were defeated and three of their towns, Milionia, Plestina and Fresilia taken, and then at their request a new treaty was granted to them, which now at least was certainly based upon the recognition of the Roman supremacy, for they were obliged as a punishment to give up even a part of their territory. So much was the cause directly common to these two nations alone, that the nations allied with the Marsians seem to have taken no part at all in their war, and that in the same year the Vestinians sought and obtained an alliance with Rome. Two years afterwards the Picentians did the same [70].

By these repeated defeats the nation of the Æquians was brought down, it is true, to a very low state; but the words, that they were almost annihilated [71], are by no means to be understood as literally as when we read that the Epirots were almost annihilated. They were a great people; the short duration of the later revolts could not have caused much blood to flow, nay there must have been a great number of people remaining who restored the population, so far as it was not prevented by the loss of a great part of the land. Cicero says, that the Æquians obtained the franchise [72]; he himself was a Volscian; he

[469] But Carseoli was not yet founded: it may however have been decreed: and at any rate this town did not lie in the country of the Marsians (Livy, x. 3.), but in the heart of the Æquians.

[70] Livy, x. 3. 10.

[71] Nomen Aequorum prope ad internecionem deletum. Livy IX. 45.

[72] Cicero, de Off. I. 11. (35.)

seems to have had some knowledge of the history of his tribe and of the Æquians who were a kindred race, and to have known something of the great men, that had existed among them [73]; he cannot be mistaken here; and in the census of the Italian nations at the time of the great Cisalpine war the Æquians are no more mentioned than the Volscians, — because they were Roman citizens. It is quite certain that they became so after this war: or it was after the foundation of the two colonies, which rendered senseless any further attempt to throw off the soverainty, that the franchise granted to them as early as 443 (449) was extended so as to become the full Quiritarian. For in 447 (453) P. Sempronius and P. Sulpicius, the same that subdued them in 443 (449), founded two new tribes, the Terentina and Aniensis, which assuredly contained no other new citizens than the Æquians themselves. For the former was not far from the Arpinatians and Atinatians [74]; and the situation of the region of the latter on the upper Anio — on the lower all were Latin or had been divided into regions from early times — is clear enough from its name. Now from the fact that two tribes were given to them, and that no more were afterwards granted to the Sabines, it is also clear, that they must still have been very numerous. In the year 444 (450) the franchise without the suffragium was granted to the Arpinatians and Trebulanians on the Samnite frontier between Casilinum and Caudium [75].

The Lucanians had no sooner recovered their independence than they returned to the exercise of their old hostilities against Tarentum, which had not yet concluded a peace with the Romans. These hostilities, coming as they did from the side of Apulia, did not threaten, it is true, the walls of the city, but they did its territory [76].

[73] de re publ. III. 4. (7.)

[74] This is clear from Cicero, pro Plancio, 16. (39.)

[75] Livy, x. 1.

[76] Ταραντῖνοι πόλεμον ἔχοντες πρὸς Λευκανοὺς καὶ Ῥωμαίους. Diodorus, xx. 104.

Deprived of the assistance of the Samnites they returned to their system of taking into their pay a prince with his army [477]; and they still continued (450) to turn their eyes towards their mother-city Sparta, although everything had been changed in Greece. Sparta as a state had been unable to afford assistance ever since the unsuccessful issue of the courageous undertaking of Agis: it existed only through the weakness of its neighbours, who, however, during the time that had elapst from the battle of Mantinea to the last Agis, had reduced the boundaries of Laconica by successive conquests to the narrow limits, in which we afterwards find it. Internally it experienced all the disadvantages of forms and institutions entirely unchanged, which cannot bring back the soul that has departed from them. A state of things such as this can bring no reproaches against another, which arises from a want of fixt forms; nay it is even worse, for there reigns in the former before the throne of the dead letter a mock-justice with its haughtiness and hypocrisy: the noblest and freest movements of the heart and mind, which may still develop themselves nobly in a state in dissolution, are the very things which are the most condemned and crusht. Rome could not make its customs and laws last for ever, for this is granted to no human things; but it renewed them in the course of centuries, adapting the forms to the existing reality, and when this was neglected and every attempt to restore what was decayed, was foolish, the customs still continued to live in the feelings of many and the actions of some. At Sparta not a line was altered in the laws, which were regarded as a revelation: the syssitia and the education existed externally as they had done centuries

[477] That this was done now and could be dispenst with during the whole time of the Samnite war, will be a proof to those who know how to understand history clearly, that what has been said in this history respecting the relation of the Tarentines and Lucanians to the Samnites has not been sophistically inferred from insufficient data.

before; but wealth and usury had crept in, availing themselves of the loop-holes in the legislation, and the division of the nation into a few over-rich houses and the extremest poverty without a middle class was nowhere worse. The besetting sin of the people, avarice, which Lycurgus had openly combated by forbidding the use of coined gold and silver, had on this very point completely dispenst with the laws, although they pharisaically boasted of keeping them sacred; and the more limited the sphere of thoughts, in which they could lawfully move, the grosser became vice: literature and science, the consolation of other nations when sunk equally low, nay their only moral preservation, still continued to be banisht even now. The Spartans, and even the Heraclids themselves, sought riches at the Macedonian court by the most unworthy means, and indulged themselves in forein lands in the undisturbed enjoyment of all luxuries. Such an one was Cleonymus, a grandson of king Cleombrotus, who had fallen at Leuctra, and grandfather of the last Spartan king Cleomenes. Exasperated at the just decision which had assigned the throne to his nephew Areus, he disturbed the peace with his ambition, and the ephors gladly acceded to the request of the Tarentines, that he should be allowed to levy an army and lead it to their assistance. Just in proportion to the increasing dissolution of morals and to the general distress in the whole of Greece, did it become easier to collect hosts of troops; and he who had saved from the ashes of his native city nothing but his bare life, found himself under the same newly-raised banners united with the veteran hireling, whose hands were stained with the blood of his own friends, which had been shed in the storm of his city and was often mixt with that of the leader under whose commands he had before murdered. The Tarentine vessels conveyed Cleonymus with 5000 men to Italy; and among an equal number which he enlisted there, there were surely very many Samnites, who were fond of

mercenary service[478]. The militia of Tarentum, 20,000 foot and 2000 horse, also came under the command of the chief captain; and this force was still further augmented by the accession of the Salentines and of most of the Italietes. The Lucanians sued for peace and obtained it, and received from the Greek general who pretended to have come as the protector of the Greeks, the command to unite their forces with him in making war upon the still wealthy Metapontum, which continued to be independent of Tarentum. It was compelled to open its gates, and Cleonymus carried away from thence six hundred talents and two hundred maidens under the name of hostages, in order to seek among them the gratification of his lusts.

The object for which Tarentum had invited him, was now attained: for though a Greek army in combination with the Samnites would perhaps have given to the war quite a different turn, yet as the Samnites had concluded the war by such an unfortunate peace, it was not the time to venture upon a war of their own against Rome without the prospect of bringing it to a favorable termination, in the course of which such a profligate general might suddenly desert their service or perhaps even set himself up as tyrant. Cleonymus too must have been just as little inclined to undertake it; he was allured by the invitations of exiled Siceliots, to deliver their island from the dominion of Agathocles, though they would only have given to it in exchange a tyrant just as wicked and more contemptible. Thus the Tarentines succeeded in persuading him to depart, doubtless by the sacrifice of large sums of money, and by conveying him over to Corcyra. Of this noble island, which however for a long time past had lost all its power, as if in punishment for the frightful crimes of its flourishing period, he took possession without resistance

[478] The true name of mercenaries, and used too without any reproach, is *latrones*.

and used it as his head-quarters, making further preparations and draining its resources.

Not long after, Tarentum got rid of the dangerous alliance, under pretext of which Cleonymus could return, and this year 445 (451) is undoubtedly the time, when the peace between Rome and Tarentum was concluded, of which one of the conditions was, that the Roman ships of war should not sail north of the Lacinian promontory[479]: a condition, which alone proves, that Tarentum concluded it with the most complete preservation of its independence. Earlier treaties may have existed between the two states, for the relations of Rome to forein states had undoubtedly long before this been incomparably more extensive than Livy knew of and has described, but such would have become invalid by the war and could not have been alleged. But that such a treaty was in force, when the great war broke out between Rome and Tarentum, and had existed long before, proves further, that the Tarentines had been quite neutral in the third Samnite war.

The Salentines, who like Tarentum had abandoned the alliance with Cleonymus must have sued for the Roman protection at the same time. For when he returned with his fleet and army to the coast of Messapia, conquered Thuriæ and carried away its inhabitants into slavery in 445 (451), the consul M. Æmilius or the dictator C. Junius came to their assistance, and gave back to the Salentines the town which had been evacuated by the Greek army of robbers. It appears that Cleonymus did not expect the Romans, and still less had the courage to venture on greater undertakings, but confined himself to the success of a predatory expedition against a rich country, which did not anticipate such an inroad. He sailed through the Lagoons into the Brenta, and landed and ravaged the country of Patavium: but those who landed paid dearly, when the citizens marcht out against them; and a great

[479] Appian, Samn. p. 56. Schw.

part of the Greek gallies, attackt by the gondolas and allured from the roadstead into the Lagoons, ran upon banks and fell into the hands of the Venetians. Diodorus's account of the occurrences near Triopium[460], which surely refers to no other event than this, of which no one could have had such accurate information as Livy, states that the fleet lost also by a storm twenty sails. So much is clear, that he returned to Corcyra with his army ruined and that all his airy schemes were gone: he did not even retain that island; it fell about two years after into the power of Agathocles. He himself returned to Sparta, where he past away many a year of his life dishonored by domestic disgrace, until in his old age he once more appears in history, as the betrayer of his country and the seducer and destroyer of Pyrrhus.

[460] xx. 105.

THE ETRUSCAN WARS DOWN TO THE BEGINNING OF THE THIRD SAMNITE WAR.

THE state of peace with the Etruscans ever since the taking of the city by the Gauls is the more surprising, since the two nations up to that time had struggled against each other with a vehemence and an exertion, such as never had been manifested in the conduct of the Latin wars. During the first half century after the expulsion of the kings it was the Etruscan wars, which brought Rome down more than any others; and the destruction of one of the great Etruscan towns and the possession of its whole territory, as well as the alienation of another allied city, Capua, were occasions which might have induced even a peaceful nation, which the Etruscans in former times by no means appear to have been, to seize every opportunity for recovering what was lost: and those wounds were still quite fresh, when Rome's fall and weakness gave the greatest hopes. Yet all their attempts are confined to the attack upon Sutrium and Nepete, four years after the taking of Rome; and this war is carried on so feebly, that it is clear, that it can only have been the enterprise of a single town, the neighbouring Volsinii. Just as little do the Romans repeat those campaigns against Volsinii, which previous to the Gallic calamity had to overcome such few difficulties; and it is only in the last years of the fourth century that a war arises with any of the Etruscan people and then with the Tarquinians alone; for the Faliscans were Æquians. Now although these two cities were bound

by a truce, and kept it conscientiously, although the Romans too had for years turned their attention to other countries, and must have regarded the neutrality of the Etruscans as a piece of great good-fortune,—still it would appear, that almost all the Etruscan towns were at liberty to avail themselves of favorable opportunities that often occurred, and did not do so. Now however much the oligarchy weakened Etruria as a military power, however early at Volsinii the internal mischiefs may have begun which so reverst the state of things, that the serfs became masters of the state, yet the real solution of the mystery, it seems, must be sought in the danger from the Gauls and in the misfortunes, which the wars with this people brought upon the country. Although the northern frontier from the sea to the sources of the Tiber might be impassable, yet the same road, by which the Senonians penetrated to Clusium and Rome, and by which they marcht several times into Latium, led to an extensive and open frontier. This danger, which was constantly renewed and became more pressing, as often as new immigrants arrived at the Apennines, must have induced the chief cities of Etruria, which were exposed to the greater danger and whose powers were undoubtedly greatly exhausted, to maintain towards Rome either by treaty or silently a lasting peaceable relation, which secured to the Romans the twofold advantage of enabling them to direct their whole forces towards southern Italy, and of keeping up a bulwark between themselves and the Gauls. In the mean time the Gauls in the Cisalpine fields became more unwarlike; their military character disappeared, just as the Goths in Italy lost their bravery within forty years; and they became accustomed to prefer the produce of their country, which is rich even for the idle, to the booty which after all they were frequently thwarted in obtaining after having shed their blood for it. The Etruscans on the other hand gained in military skill and courage: and since, as Rome's own example shews, peace could be concluded with the Gauls, the

Etruscans either began to believe after the battle of Lautulæ, that the moment was now come for them too to recover their old frontier of the Tiber; or, when the consequences of it did not answer all their expectations, to perceive, that if the Samnites should be subdued, their own independence would not last for long.

Like all those nations, which did not declare or compromise themselves, till the Etruscans had already laid down their arms and the Samnites could no longer maintain themselves, the Etruscans too undertook the war much too late, to which without doubt they had long before been urgently invited by the Samnites. It was decreed at a general assembly of all the towns, and preparations made for it as early as the year 436 (442), for the hostilities were thought at Rome so unavoidably near, that C. Junius Bubulcus, appointed dictator for this reason, commanded all persons capable of bearing arms from the age of seventeen to forty-five to take the military oath. All the Etruscan people, except the Aretinians, though they afterwards joined them, for they concluded peace in 438 (444), and we may also add Cære, which was already entirely dependent upon Rome, had united for the war: the Faliscans took no part in it[481]. Among all those people moreover the Tarquinians assuredly had been the only bitter enemies of the Romans among all the Etruscans since the destruction of Veii; they had concluded a forty years' truce in the year 399 (404), and, if in connexion with the other Etruscans, they set aside the peace as early as 436 (442),

[481] Otherwise it would surely have been mentioned, that they sued for peace: for Livy does not include them among the Etruscans, whose towns he does not mention separately: he distinguisht the two nations (*Faliscos quoque arma Tuscis junxisse:* x. 45). In the second Etruscan war they were so closely allied to Rome, that the Roman baggage remained at Falerii and the town received a Roman garrison to protect it (x. 9), and it is stated subsequently, though not, it is true, till 453 (459), that they had been friends of the Roman people for many years.

they violated their oaths; or else we have here also to understand cyclical years[402]. The former is the more improbable, as they had neglected opportunities incomparably more favorable for accomplishing something even alone: the expectation of being supported by the remaining part of the nation might determine them to allow a few more years to pass, after the time had already given them the right of gratifying their passion.

Two colonies with Latin rights, Sutrium on the subsequent Aurelian, and Nepete on the later Flaminian road, both little more than a day's march from the city, protected the Roman territory, the former against Volsinii, the latter against the Faliscans. The whole united force of the Etruscans advanced towards Sutrium before 438 (444); but the army of the consul Q. Æmilius protected or relieved the fortress. It is surprising, that a consular army, amounting at the most with the allies to 20,000 men, was sufficient in this and the following campaign to meet the force of all Etruria: we may indeed believe Livy, that the Etruscans were superiour in numbers, the Romans in valour: but the former too shewed the perseverance of soldiers who had been pickt and were accustomed to war. They stood in the field at sunrise drawn up for fighting, and offered battle to the Romans: the consul ordered his men to take their meal, before they marcht out. Both armies faced each other for a long while, before either side formed the resolution of opening the battle: it was not till after midday that the Etruscans raised the war cry. Both sides fought with equal perseverance: the Romans met the whole force of the enemy, though superiour in numbers,

[402] I have said above (such a remark is not found written down), in what sense I leave the year 422 without assigning consuls to it, as Dodwell does. In reality thirty-eight years had not elapst from the middle of 404 to the same season in 442, but only about 37½. I remark by the way, that 40 years, the time for which truces were usually concluded with the Etruscans, are as cyclical years exactly a third of 100 years of 12 months' length.

with their first lines, and when the reserve took their place in the evening and attackt with fresh strength the Etruscans, who were wearied out by the whole day's fight, the battle ended, but still indecisively. Both armies retreated to their camps, and neither felt strong enough to wish for a second engagement: on that bloody day more of the Etruscans were killed, and more of the Romans fatally and severely wounded: a statement worthy of notice as shewing the difference of the weapons, with which the fight was conducted on the two sides.

According to this account, which is supported by Livy's saying nothing of a triumph of the consul, it is very surprising to find one in the Fasti, and the suspicion, that their author was deceived by family fictions, is increast by the circumstances, under which the next campaign 439 (445) was opened. For the Etruscans besieged Sutrium, and Q. Fabius conducted the Roman army, undoubtedly a much weaker one[483], cautiously to its relief by roundabout ways along the foot of the hills, in order to avoid a battle in the open fields. Trusting to their superiority in numbers the Etruscans hastened to attack him: he drew up his troops upon ti[illegible]ls, where the ground itself covered with stones sup[illegible]apons against the enemy approaching carelessly, [illegible]lowed them to spare their arms. When the pru[illegible]which the Romans made of the country had checkt [illegible]Etruscans and placed them in perplexity, a general attack sword in hand hurled them down from the half ascended highths, and the Roman cavalry cut off the fugitives from their road to the camp. The latter, together with a rich booty, fell into the hands of the victors. Thirty-eight standards were taken, and many thousand Etruscans are said to have fallen or been made prisoners.

[483] Ut loco paucitatem suorum adjuvaret: — Etrusci — multitudinis suae — immemores: Livy, IX. 35. Τῶν Τυῤῥήνων πολλοῖς πλήθεσιν συνδραμόντων ἐπὶ τὸ Σούτριον: Diodorus, XX. 35.

Now whatever exaggerations there may be in this narrative, it must be acknowledged, that it does not in the least resemble one entirely fictitious, and yet Diodorus knows nothing of this battle, but informs us, that Fabius relieved Sutrium by invading Etruria by a different road[184]: and this undertaking was in fact so desperately bold, that the senate might well tremble for its success, and try every thing to prevent it. The Roman and the independent part of Etruria was separated by the mountains of Viterbo, which were called the Ciminian forest. That this place abandoned by both nations to nature as neutral ground to serve for a bulwark against one another, like that which forms the dry military frontier of Croatia, had become impassable through wild vegetation and neglect of the road, so that a defeated army might find its destruction in it, may easily be conceived. But it is perhaps one of the mistakes into which Livy falls, whenever he leaves his imagination to make up the image of by-gone circumstances, when he states, that previous to Fabius no one, not even merchants, had past through this forest, and that it could not appear credible to any one, that a person should have done so[85]:—which surely, in order that this might avert suspicion from the Roman spies, would necessarily have bounded the whole of southern Etruria in such a manner, that it would not have been possible to reach it by any other road from the side of Falerii. Eighty years before, Roman armies had invaded the territory of Volsinii, and had consequently marcht over those mountains: at a still

[184] xx. 35. N. B.

[85] He compares the impassable nature of the forest with that of the German ones, such as they had been a short time before, impassable and full of horrour to the Romans. From this passage we may infer with great certainty when he wrote the ninth book: namely, after the campaigns of Drusus, for it was only through them that the horrours of the German forests were banisht, until they returned after the defeat of Varus. He was then upwards of fifty years, and when Dionysius publisht his work, he had not yet commenced writing at all.

earlier time Roman merchants had visited the fair near the temple of Voltumna: it is however perhaps probable, that the forest did not grow wild till afterwards, when the frontier was fixt and that that fair might have been done away with: but how could it be imagined, that there was no communication at all by land between Etruria and Rome and Latium, nay no immediate communication between Etruria and the Faliscans? There must have been roads for mules, and those not a few, for not only were the Etruscans able to appear before Sutrium, which they could only reach through the mountain forest, but Fabius sends his whole baggage before him, and consequently there was no occasion to make a road for this purpose. But wherever such roads exist, there is also intercourse. What no one could have expected, was the presumption of leaving a far more numerous army on the other side and of encamping in a place, where the loss of a battle became complete destruction. This as well as the circumstance, that the Etruscans according to Livy's further narrative again appeared before Sutrium, and that Fabius returns again undisturbed through this awful mountain forest in order to compel them to raise the siege, so that the presumption, which riskt the existence of an army, would have been nothing but a common plundering expedition, and that he offers battle here, which according to his own statement was placed by others in the neighbourhood of Perusia,—makes it indeed quite evident, that the simple narrative of Diodorus is the true one, though it is true we must forego all the more minute descriptions in it; and that Livy's consists in repeating the same events by combining entirely different accounts.

The presence of an Etruscan army on the Roman side of the mountain is also adopted in Livy's account[466]: after a defeat like that which he had just described, the victor,

[466] (Here a N B is found in the margin. The passage alluded to is perhaps Livy, IX. 37: quantus non unquam antea exercitus ad Sutrium venit.)

however strong the country might have been, would still have been able to compel the other party to a complete retreat, and then he could have transferred without danger the sufferings of the war into the enemy's country. The case was different, if that victory was only a partial advantage over a body of troops sent ahead, and the main force of the Etruscans did not abandon the siege of Sutrium: to effect this by a diversion, if it was not advisable to attack far superior numbers within their ramparts, was the idea of a general like Fabius, whose consciousness of his powers freed him from the fetters of extreme caution, the observance of which as a general rule saved Rome from great misfortunes, since she was obliged to trust her wars to generals of inferior talents also.

After that battle he continued for a considerable while in the field opposed to the Etruscans, and seems to have communicated his plan to the senate, since the formation of an army of reserve was necessary, if the enemy should disregard the devastation of their country and march against Rome itself. During this interval he sent one of his brothers, who possest a knowledge of the Etruscan language, in disguise through Etruria, in order to sound the sentiments of the Umbrian people and to conclude treaties with those whom he might find averse to the Etruscans. But this envoy found every where such a disposition, that he did not disclose himself anywhere till he arrived among the Camertians, with whose senate he concluded a treaty, which continued to exist, till all the Italicans received the Roman franchise, and was extremely advantageous to them[487]: nevertheless they only pledged themselves to lend their assistance, if the Romans should advance as far as their territories.

While Q. Fabius was expecting the return of his envoy, the senate must have forbidden him to carry his plan into effect, and he must have refused to abandon it: for

[487] Cicero, pro Balbo, 20. (46.)

the sending of five legates accompanied by two tribunes of the people to compel him to obedience, was such an extraordinary measure, that we are left without doubt to conclude that it had been preceded by milder attempts: the sending of the tribunes could have had no other object but that of arresting him. But before this embassy reacht the camp, the forbidden undertaking had been ventured upon and could not be altered. About the first watch of the night Fabius sent away all his baggage: this was followed by the infantry: he himself after sunrise led the cavalry towards the camp of the enemy, as if for the purpose of reconnoitering; towards evening he returned to his camp and reacht before dark those who had gone ahead. At sunrise the army saw the rich fields of Etruria spread before it, for many years uninjured, and where no one had anticipated an invasion of the enemy: the booty was immense[468]: the country-people called out by the nobles and formed into troops, endeavoured in vain to put a stop to the devastation: they were disperst and suffered great loss. A regular army, not from the Etruscan cities alone, but also from Umbria, now assembled near Perusia: and as no mention is made of any movement of the army which kept Sutrium blockaded, either in the rear of the Fabian army or in the direction of Rome, it is the less conceivable, that the greatest part should not have marcht to this very point, while the troops of a single city sufficed to keep a place blockaded, which was of no great importance. Some of the annals, which Livy had before him, agree with Diodorus in placing the great and decisive battle in the neighbourhood of Perusia: but we can hardly be permitted to understand his expressions literally, according to which it would appear, as if the account of the battle of Sutrium, whither Q.

[468] Diodorus, XX. 35. says, that he laid waste Upper Etruria: διὰ τῆς ἄνω Ὀμβρίκων χώρας συνεμβαλών: it is probable that Ὀμβρίκων should be read here: compare 44. In this case the Romans would have marcht into the territory of Perusia through that of Ameria and Tudar.

Fabius had returned, had been transferred to the battle of Perusia, which had been mentioned by those who knew nothing of the former[489]. Nay, this account sounds so fabulous, that one would scarcely like to repeat it, if it expressly referred to the battle of Perusia, which certainly forms one of the most important events in the history of the world. For when Rome was anxiously expecting the result of the war in Etruria, since a second army had at the same time been defeated in Samnium and was kept enclosed, and when, if the reserve-legions had been sent into Samnium in order to meet the more pressing danger, it would scarcely have had the means of saving the remains of an army defeated in Etruria, it received intelligence of a complete victory, and that the three principal towns, Perusia, Cortona and Arretium begged for peace and alliance: to these a truce for thirty years was granted.

The annals have in their way paid sufficient homage to the fame of the great Q. Fabius by the enormous numbers of the enemy, which they report to have been slain and taken prisoners; the oldest Roman historian belonged to his house; and we know scarcely any thing really historical of the deeds of the man, whom his contemporaries justly called the Greatest. There is especially in the history of this campaign the worst of all perplexing harmonies, the repetition of the same occurrences, that nothing may be lost of accounts which are entirely different; and this too is done so badly, that one may boldly judge, that the victory of Perusia, which Livy describes at the end of the campaign[490], and after which this city submitted to receive a Roman garrison and the Etruscans sought peace, is no other than the one mentioned by such annals, as did not know of the battle of Sutrium, probably, as Diodorus would lead us to conclude, by Fabius Pictor himself.

[489] Eam tam claram pugnam — ad Perusiam pugnatam quidam auctores sunt. IX. 37.

[490] X. 40.

It might indeed be suspected, that the battle at lake Vadimo, which Livy places between the two, is likewise only a repetition, since Diodorus in truth knows nothing of it, but mentions after the peace with the three eastern towns, the taking of Castula, a place, which has otherwise become unknown, like so many of the Etruscan country-towns, by which the Etruscans were obliged to raise the siege of Sutrium. As however the western towns had not yet laid down their arms [491], there is no internal improbability to prevent our allowing the reality of the battle from resting on the testimony of Livy. According to his account Etruria had never raised such a numerous and select army against the Romans, and curses and capital punishments were as much used to compel them to remain under the standards in the presence of the enemy, as they had been to assemble them at first [92]. This army

[491] Those in the east were threatened by the Gauls, who, it is not to be expected, allowed such a moment to pass by without availing themselves of it: and the internal disturbances at Arretium (x. 3. 5), which a few years afterwards led them to seek the interference of the Romans, betray, that their internal condition was rotten.

[92] This is perhaps the meaning of a *lex sacrata* in war: but the meaning of the expression, *quum vir virum legisset*, is not so clear; but the best explanation of it probably is, that the generals first called out a number of the most trustworthy, and that each of these selected one known to him, and so on.—One is weary of pointing out the inconsistencies, which the Roman historian passes over carelessly: here is an instance of one of the most glaring. After the Etruscans are said to have lost 60,000 men at Sutrium—consequently not less than 100,000 since the opening of the campaign — and after the three largest towns had withdrawn, they raise a more numerous army than ever: consequently not less than 100,000 men from a country, which, after the separation of the three towns, was much smaller than modern Tuscany, and which, excluding the eastern towns and the lower valley of the Arno, then a marsh, contained a population surely infinitely below the million, which is about the population of modern Tuscany. Such a numerous army, which was not inferiour to the Romans in resolution and perseverance, is then said to have been beaten and destroyed by a consular army, which could scarcely have amounted to 10,000 men at the end of the cam-

met the Romans near lake Vadimo, a sulphureous piece of water, which fills a crater that has sunk down, on the road from Falerii to Perusia, and on the shores of which nearly thirty years later the battle was fought, which made Etruria subject to Rome. Here the army of the western towns might certainly have met the Roman one returning to relieve Sutrium, and have defeated the Umbrians, before they could effect their union. This battle is said to have been fought with such obstinacy, that after the troops of reserve were exhausted on both sides, the Roman knights mixt in the ranks of the infantry and thus at last decided the battle.

After such a glorious campaign Q. Fabius had the most brilliant triumph, and was exempted from the law, that he might be elected again for the next year. From the statement in the Fasti, that he triumpht on the ides of November as proconsul, we see that the elections were held in that year by interrexes, that the consular year had ended before the middle of November, and that from those elections, until new interreigns again pusht the commencement still forwarder, it did not begin till after the day of his triumph, probably on the first of December.

In the third year of the war 439 (445) no army of the confederates seems to have been collected: the Tarquinians obtained a peace for forty years: and after a few fortified places had been taken in the Volsinian territory, all the other Etruscan people purchast truce for a year by giving pay and clothing to the Roman army. Either the consul Decius had now disbanded the army, and the troops, which he kept assembled between Rome and Tusculum, had been hastily collected, when the Umbrians threatened to attack Rome itself, or they mistrusted the conscientiousness of the Etruscans, for Q. Fabius received orders to lead his army out of Samnium against the enemy, who still

paign: and the victors after such a day are said to have gained even another battle: nay, would have been strong enough, to take the extremely strong fortress of Perusia, if it had not surrendered!

remained from the Etruscan war. The Umbrians submitted with unexampled cowardice: but it is in truth incredible and sounds like a fairy-tale, when we are told, that after being drawn up in battle-array they allowed themselves to be run down by the Romans and led away prisoners without making any resistance. On the other hand it seems quite certain, that at least the majority of the Umbrian people submitted, though they probably did not yet become permanently subject to Rome: this protectorate would have compelled Rome to engage in wars with the Gauls. The Ocriculanians, to whom an alliance was granted, seem on the contrary to have been the only people that formed a permanent relation with Rome: the situation of their town rendered them important to the Romans. From this time Livy does not speak at all of the Etruscans for the next six years; it therefore appears, that the truce was prolonged from year to year, each time undoubtedly at the price of new payments and supplies: and this is the more probable, as after the transitory hostilities of the year 445 (451), only a two years' truce, purchast by a year's pay and provisions for two months, is again agreed upon, instead of an indefinite peace or one concluded for a length of time. It is remarkable that in this year the internal dissensions of the Arretinians, where the Cilnian house lived in exile, called a Roman army into those distant regions, and that the exiles were led back by the Romans. It seems that even as early as this Rome ruled over the Italian allies through the influence of the Optimates, while the people was always inclined to give ear to the counsels, which tempted it to try to shake off the dominion: even when this might lead to greater oppression and ruin. Some annals confined the object of the Roman campaign to this armed mediation: a dictator had however been appointed, and the Fasti, which recorded his triumph, agree with those accounts, which assigned to this war hard-fought battles and a brilliant victory. But what reader would recollect the particulars of such battles,

if the historian, who undertakes to represent Roman history with very different objects from what was the case eighteen hundred years ago, should give an abridgment of a narrative, which rests on no certain foundation in any single point? What is unavoidable in a great and connected war like that with the Samnites, and may furnish us with results, would be quite useless in isolated occurrencies. It is however well worthy of notice, that the Roman army penetrates now into the territory of Rusellæ; consequently the Tarquinians allowed them a free and safe passage conformably to the peace.

During the continuance of the new truce the Umbrian Nequinum, situated on a steep and inaccessible hill, was betrayed to the Romans in 447 (453) after a long and fruitless blockade. The title of the triumph celebrated after this important conquest mentions the Samnites also, which indicates, that Samnites, enlisted at least apparently without the participation of their government,—which they seem to have been permitted to do for any forein service,—took part in the defense of an extremely strong town, the loss of which rendered almost impossible the communication between Samnium, Umbria and Etruria, which had already become so very difficult, and made it such that nothing but rashness would attempt it. With this view Rome sent a colony into the conquered town, which changed its name into Narnia.

New swarms of Gauls continued to leave their mother-country and march from time to time over the Alps; and as happened during the age of the German migrations, they were almost as formidable to their kinsmen already settled in the country, as their ancestors had been to the old inhabitants; for they demanded to be received and to have a share in the land. The Cisalpinians induced such a host in 447 (453) by presents and the promise of assistance, to seek new homes and to march towards Etruria: in like manner, the threatened Etruscans turned the storm from themselves against Rome, although a peace had ex-

isted between the republic and the Cisalpinians for the last thirty years. The Romans were still afraid of meeting the Gauls in the open field, although they had no other enemies at the time. The Roman territory, at least the country of the Roman subjects, was laid waste with impunity, and the Gauls returned across the Apennines laden with rich booty. But here quarrels arose respecting its distribution, in which they destroyed one another. This is the account given by Polybius[493] of these occurrences, an older and incomparably more trustworthy authority than most of the annalists, whom Livy usually follows, and after whose example he is probably silent in this case too respecting the devastation of the Roman territory. The Etruscans according to him bought off the Gauls, but were cheated by them of the gold with which they had intended to hire their assistance against the Romans. The ravages suffered by the Romans were revenged in the same year by their laying waste the open country and villages of Etruria. In the following year 448 (454) the third Samnite war began; which is so united with the Etruscan in its most important occurrences, that the history of the two cannot be separated.

[493] II. 19.

INTERNAL HISTORY FROM THE CAUDINE PEACE DOWN TO THE THIRD SAMNITE WAR.

As Capua was a part of the Roman state, it may be comprised in the internal history. Wardens *(praefecti)* had been sent thither[491] from the year 431 (436), and the pretor L. Furius composed laws for the city. Livy, who relates this, adds, that the Campanians had requested both, as a remedy for the internal disturbances, which had worn out their state. But the commentators have been justly surprised, how a magistrate under the Oscan name of Meddix tuticus could have afterwards been at the head of the Campanian republic: and we may remark in addition, that the dignity and estimation, which Capua enjoyed down to the war with Hannibal, exclude every thought of this city having been degraded to the most complete state of subjection. But since brief statements of this kind can least of all be rejected as fictitious, it remains for us to endeavour to understand them. That a magistrate of a city which was most friendly to it, should have been called to legislate, would have been something quite common: when confusion prevailed in their domestic affairs, the

[491] Livy, IX. 20. The reading of the good, nay of almost all manuscripts, *Capuam* instead of *Capuae*, is approved of by Gronovius, and is unquestionably correct: Drakenborch has rejected it on totally false grounds.

nations of antiquity thought least of all of expecting relief from the collective deliberation of legislative assemblies, nay the idea would have appeared to them senseless: and that Capua was suffering from unfortunate dissensions, is rendered probable by the division between the nobility and commonalty in the Latin war. The appointment of a prefect too might only be a temporary measure, desired by the Roman party itself, in order to prevent the success of their adversaries during the Samnite war, but who nevertheless realised their inconsiderate wishes a few years afterwards. But it is still more probable, that even if the Roman pretor gave a constitution to the city, the nomination of the prefects belonged to the Campanians themselves, and had nothing to do with this constitution.

Considering the neighbourhood of the Falernian district, which was distributed among plebeians, considering the many kinds of intercourse, which the connubium and the commercium must have produced in the city of Capua rich in all kinds of industry, nay in all the Campanian towns, considering too the partiality of the Romans for usury, the number of Roman citizens in Campania, who were settled there permanently, must have been great, as was subsequently the case in the provinces. Nothing could be said against such persons being obliged to bring their cases against natives before a Campanian magistrate: the case was however worse, when a native accused such an one before a magistrate of his own nation, since the foreiner is likely to suffer injustice; but that a Quirite should have accused another before a magistrate of an isopolite state, could evidently not be allowed. This want of a real judicial authority was however probably not nearly so great an evil, as that all legal transactions, which proceeded from a Roman magistrate, could not take place at all. Such an urgent want must have been supplied in the same way as it was in the provinces: and how this was done, may be seen from a comparison of this state-

ment of Livy with a well known passage of Festus.[95] The people elected prefects[96] every year, to exercise jurisdiction at Capua, Cuma and eight other Campanian towns,—that is, for the collective body of Roman citizens dwelling or sojourning in each, which was certainly called *conventus*, as in the provinces, and formed a community. That it is a great mistake to think here of the condition of Capua, which commenced after the revolt, when the whole Campanian commonwealth was destroyed, is proved by Cuma too being among the ten towns,[97] whose fidelity secured for it all its rights, and also Puteoli, which became a colony after the war with Hannibal. The admixture of errour in Festus's own view cannot mislead us. Here, as with regard to the wardens appointed by the pretor, an earlier period previous to that war is meant: nay the prefect at Capua[98] surely became a magistrate for the whole population from the circumstance, that there was no other Campanian magistracy.

It is probable that these corporations issued the coins with the inscription *Romanom*,[99] since Campania is acknowledged both from the coinage and the execution to be the country where they were struck: in the same manner it may perhaps be regarded as evident, that they are more ancient than the silver-coinage at Rome.

Now since Capua revolted in the following year, strong suspicions must have prevailed, that the conspirators had accomplices in Rome itself, or at least protectors on account of the intermarriages of the high nobility in the two cities: for the dictator C. Mœnius was commissioned generally to enquire into any plots and conspiracies against the

[95] s. v. praefecturae.

[96] The number in Festus is incurably corrupt.

[97] (In the margin: N.B. Formiæ, Fundi, Anagnia, Frusino.)

[98] Livy, XXVI. 16.

[99] From the nominative *Romas*; as *Campas* instead of *Campanus*. (Over the word *coins* there is a N.B. Compare Müller's Etrusker, I. 34. note 76.)

republic, though the jurisdiction was surely still preserved for the people. But the nation must at that time have been internally in a distracted state, since a long and exhausting war always produces corruption, carries away the best, enriches the unworthiest, and reduces every thing to a state of barbarism. We can perceive party spirit in the hostility between L. Papirius Cursor and Q. Fabius: and Livy himself intimates, that the nobles carried on intrigues and entered into illegal conspiracies to decide the elections. These transgressions were foreign to the old feuds of the estates: and the nobility of the one was not less guilty than that of the other: pure minds in both were equally inclined to combat the evil. The dictator was a plebeian; the friend whom he chose for his master of the horse, M. Foslius, was a patrician: both equally blameless.[500] Both conducted their enquiries without sparing and without fear of man. The number of the accused increast only too much, and it is inconceivable, with what hope they could have invoked the protection of the tribunes against a dictator: they might however have assumed the appearance of persecuted persons, and not have been afraid of accusing those who brought their intrigues to light, that other enquirers might bring them also before the court as guilty of the same offense, if offense it was. The dictator and his friend now laid down their dignity and demanded of the consuls a trial, which declared their innocence; per-

[500] Let no one call it a love of censuring the weaknesses of Livy, when I refute his making C. Mænius accuse the patricians; but it is in truth a consequence of the knowledge of such prejudices like those which we have witnessed from our childhood, in which the accusations sometimes prevail against one and sometimes against the other order, that the writer, who has plainly declared that the equilibrium of the orders is perfection, and has exprest himself against the person who idly and shortsightedly opposed this equilibrium after it had been attained, should defend the same person against a literary attack, harmless though it be, but which, if it had in reality existed in the mind, would but too soon have destroyed that equilibrium.

haps they wisht themselves to put an end to enquiries, which extended without limits, and which during the time of such a heavy war necessarily produced more mischief than good. Among those that were accused and acquitted, was Q. Publilius Philo also, whose repeated consulships were deserved and of advantage to his country, but probably not due to merit alone nor the general necessities. Livy relates, that the investigations, which were begun with great zeal, were undertaken in vain against those who stood high in the nation and gradually sunk down to persons less and less important, till they died away imperceptibly: he adds that intrigues and conspiracies acted too powerfully against the endeavours to discover and punish them. A statement, which may be considered more certain than almost every thing which he relates of the wars, and which could scarcely have been contained in the annals, or if he found it in the later ones, perhaps in Macer, was revealed by the fate of the Mamilian and Varian rogations.

The alteration in the old laws of debt, which Livy relates under the year 424 (429), probably belongs, as has been conjectured long ago, to the dictatorship of C. Pœtelius Libo, whose consulship in that year may easily have been the cause of the mistake. Besides the passage of Varro[501] already quoted by Sigonius, which can be emended with sufficient certainty, notwithstanding all the corruptions in the manuscript, two narratives quite independent of one another, which derived the misfortune of the impoverisht youth from the disgrace of Caudium, attest that the prevailing tradition placed this advance of plebeian liberty after the consulship of Pœtelius.[2]

In this period, in which the events continue to be almost entirely uncertain, Roman history still acquires sufficient distinctness and minuteness, to allow us to discern the per-

[501] De Ling. Lat. VII. 5. (VI. p. 191.)

[2] Compare above, p. 156.

sonal character of more than one man, as in contemporary history, which almost always admits a just and decisive opinion upon the whole character of an important man, though it is exposed to a false judgement in particular cases. Appius Claudius, who was surnamed the Blind from the misfortune which befell him in his old age, is one of the most remarkable men in the history of the fifth century. He has to thank the inflexibility of his counsel when Pyrrhus offered peace, that he is mentioned by the best citizens of later times with reverence and gratitude, and also the great works he undertook, that he is known by thousands at least vaguely, who are acquainted with scarcely any others among his contemporaries, and those too only by solitary features which have past into books of general circulation, but who know least of all a man belonging to the same time and order, and to whom Rome owed her welfare in peace and war, Q. Fabius. A character like his would not be surprising in Greek history; in that of Rome, especially in the days of the good old time, it is very strange, as well as mysterious by its contradictions; for we can scarcely conceive of a striving after tyranny at Rome, which might elsewhere indeed attempt the opposite ways, on which he appears at different times. It belongs in truth to Rome's most extraordinary good fortune, that the great things, which he undertook, produced lasting advantage, and that the evil, which proceeded from him, was frustrated by better citizens, so that there could be no question whether his existence was a gain or a curse: while in the history of other nations men of extraordinary mental powers have often been led by accident, nay have been driven, to be only the evil demons of their country.

In the year 436 (442) Appius Claudius was elected censor with C. Plautius, without having been consul previously: certainly a very unusual case, though on account of the incompleteness of the Fasti, it cannot be asserted that it was unprecedented, especially since the pretorship and the curule edileship were then held in far higher estimation

than afterwards. Now if the cause of this unusual case may have been the unfavourable disposition of the majority of the senate to Appius, which, though it had long lost the right of a preliminary decision, could prevent his election to the consulship by personal influence, nay even by the consul or whoever presided in his place at the election directly refusing to take votes for him, it would thus be explained at once, how the thought might have occurred to him of insulting the senators by excluding his personal enemies and admitting the sons of freedmen. Since the veto in every college decided the question when opinions were divided, C. Plautius might have legally annulled this mischievous proceeding; and since the new list was not recognised at all, it might only have been, that the veto exercised by him was overlookt in history, if it were not stated, that he laid down his office from shame, which perhaps indicates a weak character, that allowed itself to be overborne by insolence and was only anxious to screen its own honour.

Now when this mischief was frustrated, since the tribunes were unanimous in favour of the consuls and the existing senate,—for it was not a question relating to antiquated claims of rank, but one affecting the authority and the existence of the government and the aristocracy of both orders[503],—and when the weakness of C. Plautius had removed all legal obstacles, Appius, now sole censor, applied himself to an undertaking, which was no longer merely an insult like his former election of senators, but produced a real radical change in the state.

It is clear even from the custom of the Fasti, in which both the father and the grandfather are mentioned, and from the well known statement, that the sons of freedmen were formerly comprised with them in the class of the libertini, that two free ancestors, just as much as landed property or at least an agricultural occupation, and the not carrying on of commerce and a handicraft, formed the conditions by which persons had the right of belonging to the

[503] (In the margin of the manuscript there is a N.B.)

plebeian order. That a municeps, who proved that he possest these qualifications, might demand to be registered in a tribe, is extremely probable; that when new tribes were formed, only those were registered in them according to the same conditions, who would have belonged to the plebs, if they had been old citizens, cannot admit of doubt; the others also became citizens, but only erarians. It is further clear, that the libertini had just as little share as the other erarians in the rights granted to the plebs, and that the latter jealously defended them against the usurpation of those that had no claims. By this very circumstance the extension of the constitution became an unmixt good for the commonwealth, and however much one may censure the narrowminded selfishness which excludes others from the same rights that one has gained for oneself, still the most salutary dam was raised against an unbridled popular rule, and an aristocracy of freemen became establisht along with that of the nobles.

Such was the general rule; but the power of the censors to register persons in the tribes and to strike them out, as well as in the knighthood and in the senate, was surely not so limited as to oblige them to refuse absolutely to a worthy libertinus the plebeian honours, provided he fulfilled the conditions, which he had in his power: that is, if he renounced the calling of his order and proved that he was the owner of quiritarian landed property. Nay, it would seem that even these limitations were establisht only by the nature of the case and by custom, and that the legal arrangement was framed in as general a way and with merely a moral view, as for the senate: consequently it was those who deserved it that were to be honoured thus; for if Appius had broken the letter of the law, he would probably have been punisht sooner or later.

Of the obligation, even after the innovation of Appius, of renouncing trade, which was considered ignoble, in order to lay claim to the plebeian honours, an instance is furnisht by the example of Cn. Flavius, who was only admitted as

eligible to the edileship, when he had declared upon oath that he would give up his business as a notary[504]: and this calling, according to what Livy relates from Macer, was quite as insuperable an obstacle in the way to the lower magistracies.

The erarians and the libertini, who were comprised in them, were by no means a mob destitute of organisation, but they too were united in guilds, in which they exercised and enjoyed honours peculiar to their body, with the hope of acquiring by merit even the higher plebeian honour[5]; and acquiescing in the prospect of its being open to their posterity, if they were willing to exchange more lucrative gains and a life free from danger, for the plebeian iron of the plough and the sword[6]. Along with this they shared in the right of election, though they were not eligible themselves; but as a great part of their property was not taken into account, they ranked in lower classes than a plebeian, who had an equal fortune. That they voted in the centuries, the most general assembly of the whole nation, cannot be rendered improbable by their being excluded from military service except when a general levy was ordained. For when for example a soldier in each century was taken for the hastates from each tribe, the citizens of the same century, who belonged to no tribe, were still not taken. And now that the comitia of the centuries were convoked less and less frequently, the easier course was more commonly adopted, for the tribunes to propose an ordinance of the senate for the acceptance of the plebs in the tribes. Thus the centuries lost much of the importance of their share in the soverainty; in addition to which the elections to the newly created offices, with the

[504] Livy, IX. 46; Gellius, VI. 9.

[5] (In the margin: N.B. N.B.)

[6] There can be no doubt that the people at Rome, as well as at Athens, rewarded munificent liberality: without the orators we should not know what was done at Athens in this way either. At Rome the instance of Tarratia is well known: Gellius, VI. 7.

sole exception of the pretorship, were entrusted to the tribes and not to the centuries. Another relation, in which they were mixt and stood on an equality with the citizens of the higher order, if not with the patricians themselves, was that of *pagani* and *montani*, a division which was analogous to the Attic demes, and referred to the land and the habitation. The *montes* were quite distinct from the seven hills, and, strangely enough, contain under this name even the valley of the Subura; they are almost without doubt a division of the part enclosed in the Servian pomerium, which had no relation at all to the fortified enclosure[507].

The ancient guilds were nine in number[6]: pipers, goldsmiths, carpenters, dyers, curriers, tanners, coppersmiths, potters and other artizans together. That each as a true corporation had its presidents, property and special religious rites, may be asserted with perfect certainty from the examples of later times: the institution of them belonged to the remotest times and was therefore ascribed to Numa. But even in very ancient times there were certainly other trades also united in guilds, such as the bankers, merchants, watermen of the river, and butchers; the most respectable of all however was that of the notaries or *scribae*, all libertini, so that, as has been already remarkt, plebeian honours were incompatible with this calling.

The art of writing, which is nowadays still very general in the East, was certainly not uncommon at Rome in the time of which we are now speaking, although it was only applied to the wants of ordinary life, to which even the scanty records of historical matters belonged; for literature it was scarcely employed at all. But in public business at

[507] (Compare vol. I. note 931.)

[6] Plutarch, Numa, p. 71. D. Here also the number three appears. The time is perhaps already come, when it is superfluous to point out what a great mistake a person makes in seeing in the guilds, to which no Quirite and still less a patrician could belong, a means of breaking up the earliest tribes into subdivisions.

Rome there was a great deal of detailed writing; the custom of making literal records of judicial and administrative transactions, of which so many examples are extant as *acta*, was certainly derived from very ancient times: all the proceedings of the senate were registered; the ordinances written down in due form: the pretorian transactions were certainly not entrusted to memory alone: the census alone occasioned an immense deal of writing; the whole management of the finances and the questorship still more. With all this no son of a free-born Roman had anything to do; it belonged to the calling of the notaries, except so far as slaves trained for the purpose were employed therein, who however after their manumission probably purchast their admission into the close guilds. Thus there was by no means wanting in antiquity the most essential part of the business, which occupies and supports the class of officials, who, though subordinates in reality, are not always so in appearance; but far from being considered as a preparatory training for public business, it was divided from these honours by an insurmountable gulf. Besides this public business the notaries obtained rich profits from making private documents.

This guild,—feeling itself to be an indispensable instrument of the government, and increasing in importance and wealth, as the state extended, and as partly the government and partly the financial companies, which had existed long before, wanted a constantly increasing number of bookkeepers and clerks,—laid claim towards the end of the republic, when wealth in moveable property constituted a second and really more powerful nobility, to form a third estate as a collective body of officials: and this claim was in reality granted to it. In the days of Appius the Blind it had not yet raised itself so high: it was not yet separated from the other libertini: it was consequently without doubt the most important mediator of the common claims, and the more so, as Cn. Flavius stood at its head, who was undoubtedly one of the most distinguisht men of

his age. That he acted in concert with App. Claudius is expressly stated[509].

So long as the Roman empire existed, the notaries, with only the change of their name, remained a powerful corporation, although the official class became developt and was separated from them. Towards the end of the empire, and so long as the constitution of the decurionate continued to exist under the Byzantine soverainty, there appeared in the class of the possessores, and besides them in the guilds, a state of things analogous to that in Rome before the censorship of Appius; and among the guilds that of the notaries is the first or one of the first. The analogy is still more striking in the Lombard towns, where the houses form a new patriciate, and if, according to the view of a clear-sighted jurist, which seems to me to carry conviction with it as soon as it is uttered, the notaries preserved the Roman law in Italy, the manes of the heroes and lawgivers of Rome owe it for the most part to a guild, in which they saw not unjustly a germ which might produce the destruction of the old noble institutions, — and the pretensions of which rendered them indignant, — that a late posterity is enabled to know and admire these institutions and their development.

It appears that in the fifteenth year of a very bloody war there must have been very good reasons for looking away from political maxims, and for preventing the exhaustion of that part of the nation liable to serve in war by receiving in the tribes a select number of the low-born citizens, and it is fair to bear in mind, that Appius must have had this before his eyes. But he received the whole mass of the libertini among the plebeians; either by distributing them himself among the tribes[10], as he

[509] (Livy, IX. 46; Diodorus, XX. 36; Pliny, H. N. XXXIII. 1.?)

[10] *Humilibus per omnes tribus divisis:* Livy, IX. 46. The exhaustion of the recruits must, for instance, have been far greater in the Romilia than in the Scaptia: but on the other hand the intermixture of a smaller number of the inhabitants of the city with a distant tribe, few members of which came to the comitia, must have had the same influence as that of a greater number with a suburban one.

thought proper, or by leaving it to every ones choice to choose a tribe for himself[511]. In every free state each class regards the participation of another in the rights, which it has hitherto enjoyed exclusively, with as much jealousy as the most narrowminded oligarch: the claims of the American colonies had scarcely such vehement opponents in the cabinet as in the pothouses: and the division between the plebs and the faction of the market might be presumed, even if it were not historically attested.[12] This appellation of the artizans, tradespeople and scribes, who had always something to do in the market, is transferred from the Greek[13]: perhaps only by the historians. That the low-born citizens had the majority in this division, is clear from the election of Cn. Flavius a few years afterwards; and thus they frequently had in their hands not only those elections, from which they were formerly entirely excluded, but also the plebiscita. The republic was thus shaken by constant disturbances, and every election, every concilium, required preparatory troubles, and preconcerted plans and transactions bordering upon plots, in which the nation would have become corrupted, if the quiet of a long peace had been possible at Rome.

The avowed hostility of the same Appius to the plebeian order forms a very remarkable contrast with the favour he shewed to the common people. He was driven by the former to exert all his powers both when interrex[14] and when a candidate[15] to exclude the plebeians from the consulship in defiance of the Licinian law; in the same way as he is said to have opposed the Ogulnian law also. And it is just here, where the old view of the plebeian order must have seen an incomprehensible contradiction, that we find

[511] Diodorus, xx. 36.

[12] In Livy, ix. 46, and by the circumstance, that Cn. Flavius effected the reconciliation of the orders. Pliny, H. N. xxxiii. 1.

[13] ἀγοραῖος ὄχλος.

[14] Cicero, Brutus, 14. (55.)

[15] Livy, x. 15.

perhaps the explanation of his whole conduct. Among the houses of the patricians there was only a limited number, which had remained or become powerful and rich; these now formed a true nobility, such as existed in the aristocratical republics of more modern times: but by their side the plebeian nobility had grown up, and threatened to outgrow them. An oligarchy hates the independent and the well-born, who feel themselves equal to it: it sees in the common people, among whom it may with a patronizing feeling sincerely wish well to many an one, allies against those hated upstarts. The Venetian nobility was familiar with the gondolier, and insolent to a nobleman of the country: and in general, if a change in the laws had been possible, the senate would rather have resolved to admit into the great council the sailors and porters, none of whom would have laid claim to the dignity of the government, than to accept Maffei's proposal. Roman history itself supplies a decisive instance: Sylla could not carry the constitution further back than to the state of things establisht by the Licinian law, because too many patrician families had become extinct, and the plebeian nobility after all wanted to obtain real advantages for itself: but since he had the same feelings towards the oligarchy of his time, as Appius had towards that of his day, and kept down the knighthood, he raised to a certain rank, nay even to the senate, persons of the very lowest class.

When the oligarchs towards the middle of the fifth century were blind enough to entertain the thought of effacing the more than fifty years, which had elapst since the Licinian law, they could not devise any other means of accomplishing this, than the adulteration of the plebeian commonalty: he who was descended from a slave, in whatever degree it might be, could never dream of obtaining the consulship. And the hostility and the malice, which are always directed against those who stand just above us, the libertini felt against the second order.

Now if we suppose, that the senators, whom Appius

excluded in his offensive list, were plebeians, — and no one says that they were patricians, — the whole explanation becomes the more probable. That the senate, which rejected the list, consisted for the most part of patricians, is not indicated by any thing: and even if it were so, there were many among the patricians, — certainly Q. Fabius among others, — who lookt upon the undertaking of a blind faction, not only as senseless but also as sacrilegious.

Whosoever will not accept this explanation, must suppose, since after all Appius was certainly no silly fool, that he aimed at the tyranny; and that this was the way to it. But such a thought could at that time have only come into a madman's head, whatever appearance the crime of P. Claudius, the son of Appius and his sister, may have; and notwithstanding the story of a Claudius, — of whom no further particulars are known, but who must likewise have lived about the time of the first Punic war, — who is said to have had a statue of himself with a diadem erected near Forum Appii, and to have entertained the idea of making himself master of Italy by his clientelæ[516].

The works which immortalise the censorship of Appius, were the reason, that in defiance of law and custom, and notwithstanding the severe censures of the tribune P. Sempronius, he did not lay down the censorship after the eighteen months had expired, in order that another might not have the honour of their completion. Still he did not remain in the dignity throughout the five years of the lustrum, since towards the end of the fourth year or in the fifth he obtained the consulship, which he wisht to hold along with the censorship. That the censorship might be held along with the pretorship, is proved by the example of C. Mænius[17]: but its combination with the consulship, from which it had been separated on account

[516] Suetonius, Tiberius, c. 2.

[17] (The Fasti, to which reference is here made from memory, do not contain this statement, at least not under the year 435, in which Mænius was censor.)

of the excessive power of the two when united, was quite a different thing, and most dangerous of all in the hands of such a man; especially too, since he would as consul have convoked the senate according to his own list. A tribune of the people, L. Furius, now compelled him to lay down his censorship by threatening, that otherwise he would have him carried to prison as a rebel. He remained at Rome as consul; Q. Fabius continued in the command of the army, which Appius should have had: but he was probably allowed to bring those works to their completion or nearly so.

The greatest of these is the Appian road to Capua, which must certainly be regarded as his work, although it seems impossible, that, being as it is one hundred and twenty miles to that place, it could have been designed and executed in four or even five years, and although the paving it with polygons of lava, which constitutes in reality the incomparable magnificence of the Roman roads, did not take place till considerably later: for it was not till 451 (457) that the first mile from the Porta Capena to the temple of Mars was paved as a way for walking and riding on horseback — *semita* — with hewn stones (peperino)[518], nor till 453 (459) that the whole road was paved with lava from thence to Bovillæ[19].

The most essential part of the work however is the

[518] *Semita* also signifies without any reference to width a *cordonata*, or a road up hill made with sunken, broad and low steps, where sumpter-cattle walk safely and comfortably; carriages, if at all, can only come down: *clivus* is a carriage-road. A well-known inscription informs us, that there was a *clivus* on the Appian road near the temple of Mars, by the side of which the *semita* now necessarily assumed the form of a *cordonata*. The *alta semita*, which led from the Subura, along St. Agata, to the Quirinal hill, was such an one, as the locality clearly shews. We find in the gates of the so-called Cyclopian towns Roman or Latin *cordonatas*, constructed entirely on the same plan as in the present day, though, it is true, in an immensely different style.

[19] Livy, x. 23. 47.

foundation, the substruction through deep vallies, the bridges, the cuttings through hills, and in addition to this road the canal through the Pomptinian marshes, with the twofold object of draining the land and of conveying the necessaries for war from Latium to Terracina: this was of advantage to a state, which was by no means master of the sea. Appius did not carry his road through the marsh, as the canal formed a portion of it, which connected the two parts of the real road: Trajan seems to have done this first. The Setinian road served as the military road to Campania from Velitræ to Terracina: to reach Terracina in one march from Cisterna is quite impossible, especially in summer; to encamp between the two places would in summer and autumn be fatal, in the rainy season quite impossible; nay in the hot months a single night spent in the neighbourhood of Cisterna would cause fevers in half of an army[520]. Forum Appii on the canal was also without doubt built by this Appius Claudius: a market-town, which might be very populous in the winter months on account of the constantly increasing intercourse with the capital, but which even then contained only boatmen and innkeepers[21].

[520] Horace and his boatmen slept a night upon the canal; but this was in winter, and the same thing could be done at present with just as little danger.

[21] It is physically impossible, that the Pomptinian marshes should ever have been any thing else, than first a bay behind the downs on the seacoast; and when this became filled with mud by the rivers flowing into it, a marsh, which was slowly but gradually raised. The story of the towns, which are said to have perisht there, is purely fabulous; and the account of Suessa Pometia, which is said to have been situated there, and also of the purchases of corn for Rome in the Pomptinian district can only be referred to this country in consequence of misunderstandings, as was certainly done by the contemporaries of Augustus himself. Now as we must look for an hypothesis in order to explain what cannot be rejected as without foundation, I see nothing to hinder us from supposing, that the Suessa mentioned above was the same as the one, which afterwards received the name of Aurunca (*Suessam communisse, quae nunc Aurunca appellata*

The Appian road was called the queen of roads, and it was so: but it is an unfounded opinion, that it was also the oldest among the great Roman highways; even when we limit the supposition by referring it only to the mode of making them, which the Romans learnt from the Carthaginians[22]: the Via Latina and Salaria seem to have the prejudice of a higher antiquity in their favour, because they are not named after their founders.

The Appian aqueduct however is undoubtedly the oldest of these works at Rome[23], which began by supplying an actual want but were gradually increast even to extremest superfluity. Hitherto the people had been content with the water of a few springs and wells[24], and were

Livy, VIII. 15.), and that the Pomptinian district was the rich cornland about the mouth of the Liris, which did not belong to Campania. (Compare Vol. II. p. 90. note 186.)

[22] Isidorus, XV. 16.

[23] At Rome: for the architecture of the water-vault at Tusculum points to such very early times, and those who cut the emissaries of the lakes, leveled so accurately and built so magnificently, that they were sure to have conducted the water to those places, where it was wanting.

[24] The word *putei* (Frontinus, *de aquaeduct.* 4) may also have signified cisterns, for which there is now no other name than *pozzo*, the same by which oil-cellars also are called. But there are still wells of the very earliest times of Rome, which the traveller ought to visit, who wishes truly to honour their very few reliques. The most interesting among them is the one in the Capitoline hill cut to an enormous depth in the tufo, and certainly older than the siege by the Gauls: for from what other source did the besieged obtain water? And after aqueducts had been built and the danger of being again confined to the arx vanisht more and more from the range of possibilities, such a work was certainly not executed, since its water, except in cases of extreme necessity, could not even be used for religious purposes. It always contains an ample supply of water, but it is shamefully polluted by the opening visible in a garden on Monte Caprino. One gets to it from the so-called *palazzaccio* below the side of the Tarpeian rock towards the Palatine, (from which place those condemned to death were hurled down,) by means of passages cut in the tufo which are likewise very ancient. These labyrinthian

even accustomed to drink the impure water of the Tiber. The suburbs on the river[525] could have had no other. The aqueduct therefore had to supply here an actual want: it took up springs on the left of the Prænestine road about eight miles from the Esquiline gate, and conducted them under ground, in order that the water might not be cut off in time of war[26], with the exception of sixty paces of arch-work near the Porta Capena under the Cælian and Aventine hills to the place where the distribution began, between the Porta Trigemina and the Clivus Publicius[27].

passages under the Capitoline hill certainly run even under the Intermontium: they are old stone-quarries, undoubtedly the ancient *favissae*. They are unfortunately for the most part blockt or walled up, so that it would be difficult to draw a plan of them; but the trouble of making them accessible would probably be well rewarded, not only by works of art,—the great Mithric group in the gallery of the Vatican was found there in the sixteenth century,—but also by very ancient inscriptions. In these vaults my friends and myself found the unique ancient tradition respecting the fair Tarpeia transformed into a legend, still living in the mouth of the people. (Vol. I. p. 230.) Many legends of the same kind, besides the *Mirabilia urbis*, have been transformed in the middle ages, as Ser Giovanni has shewn among others. There are other very ancient wells of a similar kind in the Tullianum and in the underground church of S. S. Cosmo and Damiano, &c., which have been occupied by ecclesiastical traditions. Several of the springs likewise are still visible.

[525] For the fortifications of Rome on this side were formed by the steep and rocky side of the Aventine towards the river and by a wall, which at the same time protected the low districts against inundations, from the northern corner of the Aventine as far as the Capitoline hill. The *Porta Flumentana* was in this wall. Along the river below the Aventine and from thence towards the Circus Flaminius there was a large suburb even as early as the time of the war with Hannibal: *extra portam Flumentanam:* here was the *forum olitorium*. The Sublician bridge was outside the city.

[26] Frontinus, de aquaeduct. 5.

[27] Where the fortifications consisted of steep sides of the hills, rendered still more abrupt by walls below and by cutting away part of the rock, as here on the Aventine, there the gates were a *cordonata* fortified by towers and walls: which is made most clear by

The depth at which the conduits lie, the construction of which is much facilitated by the tufo of the Roman hills, may be inferred from the fact, that only sixty paces of arch-work above the ground were necessary in the valley between the Cælian and Aventine; and as they lay so deep, it is evident from the nature of the case, that they could only conduct water to the lowest districts, that is, to the suburb, the Circus, the Velabrum, the Vicus Tuscus, and perhaps also to the Subura besides; but the supply of water carried thither was at the same time too small even to provide abundantly for these districts alone.

The merit of having discovered the springs which fed the aqueduct, belongs to the censor C. Plautius, who however derived from the discovery nothing but the surname of Venox, as Appius alone completed the work[528]. It is stated by Diodorus,—who follows with regard to particular events such narratives as deserve especial attention, however little as a Greek he understands the nature of the internal and complicated relations of Rome, and always places only the people and the senate in opposition to one another,—that the work was undertaken without a decree of the senate[29], and from the ambition of Appius to accomplish something brilliant. He also says that the expenses, as well as those of making the road, were enormous, and that Appius expended all the revenues of the republic: but one might rather believe, that the revenues of the tithes, tolls and taxes probably could not be sufficient—the property-tax was devoted to the war-funds—and that such works, for which capital is at present bor-

the representations in the work of Madame Dionigi. The Porta Trigemina was such a gate, either with a threefold Janus or actually with three gates, on the top of the hill, in the centre of the Salita and below. The Salita leads up alongside of the wall of the Savellian fortress to Santa Sabina. The Clivus Publicius was situated at the spot, where the road descends to the Fenili and the Via de' Cerchi.

[528] Frontinus, de aquaeduct. 5.

[29] XX. 36.

rowed, must have made the sale of domains necessary; so that the expression of Diodorus must be understood to extend to the future. It is however true, that prisoners of war too were probably employed together with labourers who workt for daily wages.

There is a very well known legend connected with the censorship of Appius. It is said that the Potitian house together with the Pinarian performed the sacred rites connected with the worship of Hercules in a manner which the demi-god himself had taught their ancestors, but that Appius persuaded them to instruct public slaves in the ceremonies, whereupon the whole house, consisting of thirty grown up men in twelve families, died away in a short time, and Appius himself became blind. Such legends are, with respect to chronology at least, not very scrupulous, and it was more probably the great plague, which raged fifteen or twenty years later, that carried off the Potitian house, if it died away in reality and was previously so numerous. It is more important to see the reason, which induced Appius to commit this sin according to the opinion of the pious. It cannot indeed be doubted, that those two houses attended to the worship of Hercules according to Greek ceremonies, as the Nautii did to that of Minerva, only as a form of religion peculiar to their gens, and that the Roman religion itself had not the slightest connexion with it. But the calamities of the Samnite war had now led the Romans to consult the oracle of Delphi; and as it commanded them on other occasions to worship other Greek divinities with Greek rites, so it now ordered them to honour in like manner the greatest of all heroes. But as no forein god received a flamen, it is not very easy to see how the Potitii could have acted otherwise than by instructing public slaves in the rites, if they were not willing to perform them themselves on behalf of the state, or perhaps dared not. Otherwise it would have been necessary to invite a Greek priest, as Calliphana from Velia. It may

have been that the Pythia had no better answer to give at that time, as when she afterwards ordered them to invite Asclepius from Epidaurus in order to avert the plague: but that the Greeks had at least the secret intention of making their nation venerable to the Romans, is rendered probable by another oracle also, which belongs to nearly the same time. When the unfortunate course of the Samnite war—Caudium or Lautulæ?—induced the senate to apply to Delphi for advice, Apollo commanded them to erect statues of the bravest and the wisest of the Greeks, and the senate caused those of Pythagoras and Alcibiades to be placed in the comitium[530]. Pliny quibbles about the choice, since the issue of the war was no more a proof to him than to us, that the meaning of the oracle was hit. That he should have preferred Socrates is natural, but every Italiete would have considered Pythagoras the wisest of all men, and Italietes were undoubtedly consulted, or whoever at Rome knew most about the Greeks, had learnt it from them. The decision as to who had been the bravest, was more open: but if this was not interpreted merely to mean courage despising death, but the greatness of a general, when it was a matter of course to suppose the existence of this courage likewise, of which the Romans were just in want, certainly no nobler choice could have been made from the historical times, to which Aristomenes did not belong. The Italietes to their misfortune had no share in this.

It is a very general, but certainly an utterly false idea, that the Greek literature, before an imitation of it arose among the Romans, was entirely unknown to and despised by the latter, as by the Arabs, before they obtained translations, and by the Turks. An important reason for thinking quite otherwise is the familiarity with Greek poetry among the nations on both sides of the city, which is

[530] Pliny, H. N. xxxiv. 12.

clearly shewn in their works of art, and which may be inferred with no less certainty from the theatres at Tusculum and Fæsulæ[531] built in the Greek style: the very high antiquity of which buildings is plain, though their exact age cannot be accurately determined[32]. What purpose did such theatres serve, unless translations or imitations of Greek tragedies were represented in them? Roman censors opposed, it is true, the Greek influence; and the literature, which flourished down to the Marsic war in the Latin towns, that is, among the Italian allies much more than in the capital, was certainly more Greek than native: but this opposition was directed against an extravagant inclination for exchanging the customs of their forefathers for bad and forein ones. How could Livius Andronicus have brought Greek stories upon the stage, and have gained thereby the favour of the senate as well as of the people, if the Greek mythology had been unknown at Rome? Milano and Venezia would not have been called Milan and Venice, if their names had not been in the mouths of many thousands; and the similar changes of Greek names, as Argi for Argos, Melo for Nilus, and from the myths Latona, Hercules, Ulixes, Alumentus, Catamitus, prove that these names had become so firmly fixt

[531] It is only popular ignorance which can see an amphitheatre in that of Fæsulæ, as indeed it is called. Both are built high upon the slope of the hill, as was the case in the Greek cities, whenever it was possible, so that there are no colonnades around and the widest prospect over the country of Tusculum as far as the sea lies open from all the rows of benches.

[32] The theatre of Fæsulæ is in the grandest Etruscan style and lies close to a very large building, which has been erected in it. Of this only a corner was brought to light quite accidentally in the summer of 1816; but there has been no curiosity to investigate it further. The theatre of Tusculum has been almost entirely covered over again: but according to the account of an eye-witness the basis, which once bore a statue of Fulvius Nobilior, was afterwards placed in the orchestra, and yet with its inscription, evidently very old, probably erected in his life-time.

in the living language, that when they began to be more frequently used in writing, this alteration was retained in some words and was not laid aside in others till a later time, when what was national began every where to give way to the refined forein forms. L. Postumius did not speak at Tarentum through an interpreter: he was certainly very far from speaking Greek like that Lucanian, whose faultless language raised the admiration of the people at Syracuse: his mistakes were laught at, but he made himself sufficiently understood, although he certainly was not chosen for his skill in the language, but because the conqueror of Venusia must have been known fearfully enough in those districts. The surname Sophus, which P. Sempronius bore, was given him either by Greeks or by his own countrymen to designate him as a sage after the Greek kind: in the same way as the surname of Q. Publilius arose from intercourse with the Greeks. A preference for an acquaintance with the Pythagorean philosophy, at a time when other systems of Greek philosophy could easily be acquired, is seen in C. Sulpicius Gallus[533], though it is true much later: but there seems to have been a close connexion between it and the Etruscan, and the former may have been known to the Romans also at an early period.

Thus the resemblance, which Panætius found between a poem of Appius Claudius the Blind and those of Pythagoras, was probably any thing but accidental[34]. This poem Cicero knew only through the Greek: though active and diligent, but with his mind formed at the same time entirely after the Greek fashion, he was more than indifferent to the ancient literature of his own country. The poem nevertheless was not lost but was again brought into notice, and even fragments of it have come down to us,

[533] Pliny, H. N. II. 19.

[34] Cicero, Tuscul. IV. 2. (4.).

which must not be overlookt[535]. The speech which Appius made at the deliberation of the senate respecting the treaty with Pyrrhus, was read by Cicero, who found it, perhaps with justice, unpleasing as a speech[36]. Thus Appius in two kinds of literature is the oldest Roman writer, whose name is known; and he is not a foreiner nor a freedman.

During the censorship of Appius Claudius, 437 (443), the plebs had resolved, to elect every year sixteen military tribunes, whereas hitherto six only had been elected and the others had been appointed by the consuls or the dictators. It thus appears that the levy of four legions was lookt upon as a regular thing, and if there were six tribunes in each, a third part of the places was still left to be filled up by the general. In the same year it was decreed that two admirals should be elected yearly; an office, which had ceast to exist at the time of the first Punic war.

[535] Priscian VIII. p. 792. P.

Amicum cum vides, obliviscere miserias;
Amicus si es commentus, nec libens aeque.

For in the second line the reading certainly cannot be *inimicus*. *Commentus*, *πεπλασμένος*. The second fragment is found in the Pseudo-Sallust, de ordin. rep. I. 1. (Festus, s. v. Stuprum.)

[36] Cicero, Brut. 16. (61.).

CN. FLAVIUS.

So long as the Etruscan calendar remained in use in civil life also, the nundines, on which the country people came to the city, were at the same time the days, on which the kings gave judges and administered justice, and on which business could be transacted before them according to the law [537]. These nundines were thirty-eight in number, which always fell on the same day of the month every year. But when the twelve months' year was introduced, and it was at the same time found advisable to separate the nundines from the court-days, the number of the latter, the *dies fasti*, remained unaltered, thirty-eight [38]: which is by the way a clear proof, that what I have said respecting the civil use of the ten months' year is not a mere fancy. But these thirty-eight days were now distributed among all the twelve months, without any perceptible rule being observed in the distribution: and as business increast, justice was administered on the comitial days also, when no comitia were held, and the pontiffs granted for the transaction of business even some hours of many *dies nefasti*, before the religious obstacle commenced or when it was over. It was therefore now a matter of importance to know, in order that time might not be lost by coming for no purpose, nor the proper times be neglected, which days were entirely nefasti and which only half and during what

[537] Vol. II. p. 213. foll.

[38] Manutius, de dierum ratione in Gothofred's Auctores Latinæ Linguæ, p. 1381. foll.

hours: and this every one was obliged to learn from the pontiffs as often as he wanted to know it. Now as this occurred daily, one would have thought that the very simple idea of drawing up a calendar from the answers to such enquiries would have occurred to many persons at an early period [539]: but Cn. Flavius was the first, who ventured to carry this simple matter into execution. He exhibited in the forum a calendar painted on a tablet covered with gypsum, which stated the legal character of each day. This was a gain for the whole people, plebeians as well as libertini, for which all were grateful to its author, as they felt themselves freed from an extremely troublesome and vexatious dependence. This is the good deed by which Flavius gained the gratitude of all, and the silence of those who do not speak of his collection of the *legis actiones*, when they mention the popular favour which he obtained by the publication of the calendar, does not weaken the certainty of the account respecting its composition [40]. Cicero alone mentions the matter in such a manner, as if these *actiones* had not been devised till afterwards, in order to do away with the essential advantage of independence in seeking justice: but this is evidently false, and probably not merely a mistake, but raillery, and, like so many other things in the same speech, spoken foolishly on purpose, according to the fashion in which people spoke who did not know better, that he might prevent by irony and playfulness the serious examination of an affair, which it could not possibly stand [41]. It is

[539] It appears that the only difficulty could be in the comitial days, which were only *fasti*, when no comitium was held, but not otherwise: if the pontiffs only said, as they probably did, in order to preserve their secret, whether justice could be administered or not, and did not state what sort of a day it was.

[40] References would be quite superfluous here.

[41] Pro Murena, c. 11. (Compare Rheinisches Museum, 1. 3. p. 226 foll. The observations there made were first written down as a note to this passage, where they can now be dispensed with.)

clear from other passages of Cicero, that he was very well acquainted with the *jus civile* of Flavius. If the usages and formulas of the *legis actiones* had previously been preserved only by tradition, this collection, provided it acquired authority, was of importance to prevent uncertainties and alterations, which might creep in: but owing to the nature of the case, where the slightest fault spoilt every thing, it could not render the assistance of jurists superfluous; and the fact that it now became possible to obtain a knowledge of the law by attention and frequent attendance at the tribunal of the pretor, even if those learned in the law refused to give any instruction, was probably not regarded as a general advantage.

Respecting the contents of the book, there can be no doubt that the different actions of every kind were enumerated in it without any explanation or system, and that it was recorded in each single case as a formula, what Aulus Agerius, what Numerius Negidius, and what the pretor said and did. Pomponius mentions this book as a work of Appius Claudius, which Flavius stole; Pliny[542], an authority of great weight in Roman history, mentions Appius on the other hand as the person on whose advice Flavius collected the Fasti: and it is therefore not improbable, that the former account is based upon nothing else than a misunderstood statement of some connexion which had existed between the two men.

The popularity, which Cn. Flavius had acquired and deserved, emboldened him to become a candidate for the curule edileship; and as he was sure of success, but the presiding edile would not accept the votes for him, because he was a notary, he is said to have sworn to renounce this calling. This account was very generally received; yet it was rejected by Macer, who was better acquainted than others with original documents and the old constitutional laws, because Flavius had previously held offices, which were no less incompatible with the occupations of a liber-

[542] H. N. XXXIII. 6.

tinus. However this may be, his election was the most decisive triumph which the industrial classes had yet gained, though it was at the same time the last; and the triumph was still more galling and threatening, if there is any foundation for the statement, that he was elected at the same time tribune of the people [543]. The choice of his collegue was an equal triumph for the *municipes*, who thus appear united with the industrial classes; for as Præneste had not the franchise, it could only have been in consequence of the right of isopolity that Q. Anicius, who had been only a few years before an enemy of the republic [44], was elected with him. The defeated candidates of plebeian nobility were C. Pœtelius, son of the ex-consul and dictator, and a Domitius.

Such an election, according to which it appeared that the purest blood of the nation had purchast the greatness of Rome for the benefit of faithless allies and the descendants of captive enemies, excited so general an indignation, that the nobility laid aside their golden rings as in a general mourning, and the knights the silver ornaments of their horses, and from this moment the resolution must have been formed of changing the laws respecting elections without fear or hesitation.

Cn. Flavius had vowed a temple to Concordia, if he reconciled the estates with the people [45]. By the term people (*populus*) the houses are here clearly intended; the estates were the plebeians and the members of the guilds: but what reconciliation can be perceived here? Instead of being united with the guilds, the plebeian nobility was on the contrary more immediately offended: although, since the guilds had raised their own members to power, a thing which had appeared impossible, and would no longer be mere instruments, the patricians must now have been as un-

[543] Pliny, XXXIII. 6. It seems that Pomponius also meant to say the same.

[44] Above, p. 230.

[45] Si populo reconciliasset ordines. Pliny, XXXIII. 6.

easy as the plebeians. Now as Flavius saw himself bound to carry his vow into execution, a reconciliation must have taken place, which, as well as its particulars, are unknown to us; and respecting which one can only divine. For my own part I divine [546], that since the censorship of Fabius and Decius falls in the same year, Cn. Flavius became mediator between his own class and the higher orders; inasmuch as he saw, that though his own talents had called him to great things as a distinction, yet the general rule, by which he was raised, was injurious; that too much had been gained and that it was necessary to step back. He would thus have acted like Michele di Lando in the insurrection of the Ciompi.

Now as just such merit as this is never recognised by those who feel satisfied only with the absolute restoration of the former state of things, it cannot surprise us even if we adopt this hypothesis, that the senate refused the money to fulfill a vow, which was in truth scarcely binding upon the state; and that after Flavius had found means of doing so from the proceeds of fines, the pontifex maximus declined consecrating the chapel with him, though he was afterwards obliged to yield to the general wish. But the people at the same time ordained on the proposal of the senate, that no one should in future consecrate a sanctuary without a decree of the senate or a majority of the tribunes of the people. The chapel was entirely of bronze, as was afterwards the temple of Janus.

The nobles became more easily reconciled to a foreiner, who was probably a noble in his own country, than to his low-born collegues. On one occasion some young noblemen paid a visit to the former, as he lay ill; but when Flavius came in, they did not rise to him. Thereupon Flavius ordered his curule chair to be brought and to be placed in the doorway, so that as long as he was pleased to stay, they were compelled to see him in the position in which it most enraged them to see him. Livy calls this

[546] μαντεύομαι.

a remarkable instance of plebeian defiance[547] of patrician haughtiness: but the plebeian character is here quite out of the question: it is the arrogance of low birth opposed to the arrogance of the nobles: and this opposition betrays a feeling, which might become dangerous in the highest degree.

It is worthy of remark, that L. Piso, who was himself an oligarch at the time of Gracchus, related this anecdote with evident delight[48].

[547] What he here calls *plebeia libertas*, he had called before *contumacia*.

[48] Gellius, VI. 9.

THE CENSORSHIP OF Q. FABIUS AND P. DECIUS.

UNTIL all Roman institutions acquire it was quite common for more than five years[549] to elapse before new censors were chosen: but it is, so far as we can know, without example, that it ever happened in a shorter time, and that new censors were elected three times in eight years: for Q. Fabius and P. Decius[50] were elected in 443 (449), eight years after Appius and Plautius, 436 (442). This rapid succession, the choice of two friends of congenial minds, who were the first in their respective orders, leads us to conclude without any doubt, that they were called upon to remedy the evil which by a longer delay it might not have been easy to cure by peaceful means. Now it is well known, that the consequences of Appius's innovation were got the better of by these censors, that peace and a legitimate order of things returned through their means, and that such scandals as the election of Flavius no longer occurred, that they confined the libertini

[549] (Here the manuscript contains a N B.)

[50] I do not know whether it has been already remarkt, that the transposition of a sentence gives to Livy the false appearance of having thought, that some time elapst between the edileship of Flavius and this censorship. The sentence, IX. 46. 12: *tantumque Flavii comitia —deponerent*, must be transferred from where it stands and placed between the sections 3 and 4: *ex eo tempore* (13) refers to the censorship (11) of Appius and not to the election.

to the four city tribes, that this is universally stated as the means by which that great result was brought about, and that Q. Fabius, who must be regarded as the soul of this decisive undertaking, received in consequence the surname of Maximus. But if it is clear enough, how in consequence of this alteration the comitia of the tribes, and consequently the plebiscita, the election of the tribunes of the people, of the two kinds of ediles, of the military tribunes and of the lower magistrates were withdrawn from them, or their share, when the votes were divided, was extremely limited,—the constitution, it is true, was restored in its essential points to what it had been before 436 (442). But the innovation was not one that had been offered arbitrarily: those who had been favored were very numerous; they must have eagerly demanded what was given them, as they made such a passionate use of it, and if they retained all the legal rights which they possest before, there can be no question that they made quite a different use of them in the centuries from what they had done previously; they were obliged to struggle to recover that which was lost: the republic did not arrive at peace: and yet this peace was restored.

I have remarkt, that the state was sickly even before the censorship of Appius: that intrigues had the upper hand. This condition requires a closer consideration. There will not be wanting persons, who will despise what I am now going to state, as a romance and an arbitrary fiction. May unprejudiced readers then only allow themselves to be reminded, that the person who pays attention to geography as a secondary matter and the one who investigates it as a science, look at maps with very different eyes. Though the former may be able to point out what is written on the map as well as the latter, yet the latter, like D'Anville, has a tact which determines his judgement and choice among different statements, of which the former prefers one at random, or rejects all as uncertain, or draws for himself a middle result which must needs be false.

The real geographer is able from isolated statements to draw inferences respecting things that are unknown, which may closely approximate to results obtained from observations of facts and may supply their place: the limits of that which is not accurately investigated and of that which is unknown, do not coincide for him: he is able with limited data to form an image even of things which no direct eyewitness has described. The history of antiquity for a long time resembled that dead knowledge drawn from antiquated maps: but discoveries have enricht even the outlines, and the number of able enquirers is ever increasing, to whom the things themselves speak intelligibly.

The original object of the constitution of the centuries was to combine the houses and the commonalty in such a manner, that the liberties and rights of the latter might be secured, but that the government might remain in the hands of the former, and at the same time to assign a place to the erarians, both the real municipes and the libertini, in which they might not be strangers to the state: in addition to this, the division into classes, besides being conceived in the spirit of a timocracy, prevented and neutralised the clashing of the estates in masses. But now the means chosen for the attainment of this object underwent the unavoidable fate, of becoming unsuitable in the course of more than two centuries and a half to such a degree, that, even if the original object had not been much modified, it would nevertheless have become indispensable to alter the forms, but was still more necessary, when the destination of the centuries had become changed.

The earliest plebeian commonalty, formed of Latins, whose towns, when they were not destroyed, were reduced to pagi (demes), was a specific whole. The case was different with the forein districts, which were gradually admitted to the full quiritarian rights: these were not only Latin towns, which continued to exist as such, but also Sabines, Volscians and Etruscans: now the Æquians too were to be received. That they might not predominate in

the plebeian assembly, new tribes were formed of them, which must clearly have contained a much larger number of citizens than the old tribes. This precaution however was useless with respect to the centuries, and as many of the new citizens as belonged to one class and came to Rome, had just so many votes in these comitia. In this manner they could not possibly continue to give the full franchise to the Italian nations, which was however the real way to invigorate and strengthen the nation; it was abandoned afterwards through the ambition of the plebeian nobility and its envy of the Italian houses; and this unprincipled and petty neglect of the idea of their forefathers robbed Rome of several centuries of her youth and ruined Italy. At this time however its salutary nature was decidedly recognised, since six new tribes had been formed within thirty years, and it was unquestionably the intention of such citizens and statesmen as Fabius and Decius to unite with the Quirites nation after nation in tribes, the number of citizens in which was always to be greater in proportion to their distance and heterogeneous character.

The granting of the isopolity to such important cantons as Capua, the daily rising importance of Rome and its franchise, and the growth of the number of libertini, which arose from the nature of the case, augmented the number of erarians in constantly increasing proportions; these classes, settled at Rome, were at least in a great many cases in a state of clientela, which deprived them of their independence.

On the other hand the condition of the patricians in the republic had become entirely changed. Confined to half of the government and deprived of the veto in legislation, in favour of which much might be said, there only remained to them the veto in elections, which however could not now be applied without producing vexation and disturbing the peace, and this could not continue to exist; it was one of those rights, which intelligent men rather give up of their own accord. A close order, which was dying away every

day, alongside of one which was mightily increasing and constantly developing in greater fulness all the moral elements, upon which the claims of the former might have been founded, was obliged to limit itself in order not to lose everything; but as it could not disappear without destroying the essential nature of the constitution, it might claim a more favored proportion in the comitia of the centuries, than that which sufficed so long as its share in them was quite an insignificant and secondary thing; when it only made its appearance, that it might not be wanting even there.

A great change moreover was prepared by the Pœtelian law, which was of a permanent nature and of the greatest extent. It follows undoubtedly from the nature of the case, that as in earlier times the proprietor encumbered with debts paid the tax and remained in his class, so now the fiduciarian possessor had the property, which was given to him as security, registered in the census in his name and reckoned as his own: and this must have changed entirely the relations of the classes.

I am far from wishing to modify the opinion, that the copper-coinage of lighter weight was essentially regulated by the increase in the value of this metal compared with that of silver[551]: but it by no means follows from this, that the prices of most articles had not risen, as they did at Athens, although silver was current there without any change in the standard from the time of Solon to that of Demosthenes: nay, no one will doubt, that this must have been the case at Rome as everywhere else, and that the same number of ases, without any regard to their weight, exprest the value of an incomparably smaller number of things than two hundred and fifty years before. In addition to this it must be observed, that though there appears to have been much greater wealth at Rome under the last kings than at different periods subsequently, yet the property of individuals as well as the number of the wealthy

[551] Vol. I. p. 457, &c.

during the last thirty years and upwards must, in consequence of so large an acquisition of domain land[552] and of such new and ample sources of gain, have risen to a highth unheard of before: consequently a hundred thousand ases then signified very much less than in ancient times, and when used to distinguish the classes from one another no longer characterised the really wealthy and separated them from the middle orders.

Rome's prospects however were now so brilliant, that legislators, who lookt into the future, might calculate on the course of things, and must have been aware, that, if they wanted to make arrangements merely to palliate the evil for the present, the same causes would continue to operate with undiminisht force for the future. And the majority of those who had become wealthy, as well as of those who were likely to be so, did not in all probability belong to the two first orders.

If we further assume, for which sufficient reasons might be mentioned, that prices had risen on an average threefold, then the whole fifth class, nay many individuals of the fourth, belonged to the accensi in reality and according to the spirit of the original arrangement, and the divisions of the three middle classes, in which the relation of the number of votes to that of heads had long since disappeared, had become a troublesome sophistry; since there were divisions and separations, where the separations no longer indicated a true property-class. The rich with various degrees of wealth, and such as had only a good income, formed one unseparated mass. What now had the legislator to do, who wisht to remedy the present evil and secure happiness for the future?

It would not have been sufficient, for example, for the purpose of restoring the plebeian order as it was before the time of Appius, to raise the nominal sums of the different classes to threefold the amount: further changes would

[552] Not as if it had been subjected to a tax, but as a means of gaining money.

have become just as necessary, and consequently new crises. Too great a number of new citizens, — the intrusion of the erarians, — would not have been averted: it would moreover have been absolutely injurious, that a very large multitude, which was now bound to serve, should be excluded from the legions. In addition to this, the first condition, which a law when projected ought to fulfill, is, that there should be a possibility of its being past in a legal form, (even though this form does not express the will of a real majority, which is often foolish,) and of its being able to continue to exist and become firmly establisht. A proposition like the one mentioned above, which would have violated so many rights in the second and third orders that had been exercised and gained, would never have been past, and if it had been possible to carry it by force, freedom would then have perisht in revolutions.

Of great and permanent benefit to the state was a law respecting the elections, (for so we may call it, since the elections became more and more the chief business of the centuries,) which confined the members of the guilds to a much smaller share in them than they had previously enjoyed, and excluded the municipes until they were received into a tribe, and which also rendered insignificant the share which the former had gained for the last few years in the comitia of the tribes: this law was a double benefit, if it could be applied to make the levy more perfect for the real service in the line. And free acceptance of it, nay general satisfaction with it might be gained, if it granted to the patricians a more favorable estimate of their votes in reference to the whole number; to the really wealthy among the plebeians, new honours; to the less wealthy and down to those of the lower orders, the preservation, nay the extension of the rights they had enjoyed; to the new citizens, authority and influence for their nobles, and more favorable treatment for the multitude in the levies, and to the libertini these same advantages: and if in addition to this, the latter especially retained the prospect of their descendants at least

obtaining the full plebeian honour by individual admission, in case they acquired landed property.

I state the means together with the object and the obstacles: but I wish the following plan, as yet, to be only taken as an hypothesis to meet the case that has been develop, and for it to be examined from this point of view, as to whether it was both suitable and practicable.

Of the system of the centuries the only part that was retained, was the division into knights and those who were not knights: whoever did not belong to a tribe was excluded, as in the purely plebeian comitia. The classes, as they had existed hitherto, were abolisht, and all tribules, who paid taxes for less than a million and for more than four thousand ases, were placed on an equality: each tribe voted as two centuries, one consisting of the men under forty-five years and the other of those above that age. The libertini were confined to four tribes, and these were reckoned inferiour to the country tribes, so that they were not called upon to vote until the latter had done so. The patrician houses remained in the six suffragia without any regard to property, as they had been up to this time: in the twelve other centuries of knights all those were registered, who paid taxes on a million of ases and upwards: the municipes had a tribe assigned to them by lot before the comitia. Thus there were at that time eighty centuries, six of patrician and twelve of plebeian knights, fifty-four of the country and eight of the city tribes.

If the right of voting in the centuries was made dependent upon voting in the tribes, it was in the power of the censors to admit and exclude all whom they chose, the municipes were removed and the libertini, if they were limited to a few tribes, had as little real influence in these comitia as in those of the tribes. The votes of the municipes, however much they must have been opposed to such an alteration, had not the slightest effect upon its passing: nor was it in the least unjust to remove them, since the relations to the Hernicans and Latins, which had been

establisht by treaty, had become extinct; and if an honorary right was left to those, who had not obtained the full franchise from the censors, justice was done to all equitable demands.

Though the libertini were united in a few tribes, still, as the levy was made according to tribes, the military service,—which was far more oppressive to a member of a guild than to a peasant, inasmuch as the former often could not find another workman to supply his place in the craft, by which he maintained his family,—fell far less heavily upon them, than if they had been distributed among all the tribes and the levy had been conducted according to classes and tribes, partly because more extensive obligations would have lain upon them, and partly because the men of their class would have been intentionally enlisted from among the tribules[553].

The same consideration must have rendered the citizens of the new tribes inclined to renounce advantages, which most of them seem only to have exercised, when influential members of the same tribe induced them to spend a few days on a visit to Rome; and if a general rule was establisht, according to which a precedence was secured to the wealthy, which could only be forfeited by the loss of honour, then these also were gained over.

The lower classes were decisively gained, if the first lost its preponderance, and the separations among themselves, which had become useless, were removed; moreover, if the knights voted with them, they formed the majority. But even in the first class many must have been in favour of a change, which lightened for them the heavy burthen of the military service, and this, as well as an essential distinction of those, who were now what the whole class was originally intended to be, must have gained the votes at least in many centuries.

[553] In more than one country where the French conscription existed, Jews were enlisted in much larger proportions; not because an undeserved honour was conferred upon them by public opinion, but in order to diminish their numbers.

If the knights, instead of somewhere about one tenth of the other votes of the centuries, obtained three tenths, they gained so much, that their whole support was secured: the patricians without receiving any addition to their body, and the plebeian knights, even if their centuries received new members.

To us it may seem questionable, and the more so, as constitutions thus combined are forein to our time, whether the almost entire giving up of the timocratic principle was not an approach to a democracy, which would have outweighed the advantages alluded to. This it certainly was, in as much as the lowest rate of property was yet further reduced: and the venality of the comitia in later times would not have been possible with the Servian constitution, if the classes had been changed in proportion to the original rates, as the standard of wealth increast: but since the troops of the line would have been diminisht in proportion to these increases, the republic would not have been able to stand the Samnite war. This venality, which after all did not break out till long afterwards, was by no means a necessary consequence of the establishment of the centuries upon the basis of the tribes, but was the result, partly of the deplorable standstill in the development of the constitution, and partly of the carelessness of the censors in admitting all kinds of people into the country tribes: the degeneracy of morality might injure in the one case even more than in the other. If the old timocracy in truth had even now ceast to exist, and its real nature neither could nor dared be restored: if there was but one class from one hundred thousand up to a million, why should the one hundred thousand be split so minutely? If it was necessary to extend further the obligation to serve in the line: if the obligation to equip oneself, which had existed hitherto, ceast: with what right could the old divisions, which were entirely adapted for service in the army, be any longer preserved? The further from Rome new tribes were formed, and the more numerous the citizens, who dwelt in the assigned dis-

tricts, the more were those present at the comitia composed of a larger number in proportion of the wealthy classes, if the city population was rendered insignificant. When the centuries were instituted, the patricians were distinguisht from them as an order, which at that time probably could not supply deficiencies in its ranks by adoption: among one another perfectly equal: though we know from legends, which in such matters may be considered equal to history, that there were very poor men among them. The principle of wealth was therefore then outweighed by that of honour: but, if it had now been the wish to maintain it, for whose advantage could it have been done, when the patricians daily lost ground more and more, because they did not strengthen and renew themselves, and neither could nor would form themselves into a national nobless? Certainly not for the possessors of large property, which is a power and must be recognised as such, but to their disadvantage and to the advantage of those with only small fortunes: though this principle is of much less importance than the fact, that there was naturally a much smaller number of country people than of the low-born who grew rich. But after all, the classification according to property is but a poor expedient, where the foundation of a real aristocracy is wanting. This the plebeians of all classes had, in a feeling of their free ancestry, as opposed to a descent from slaves, in the military service, from which the armies after all always returned home to the elections[554], in the spoils and honorary gifts won by themselves and inherited from their forefathers, and in their relationship to honored families. The plebeian of an old tribe felt himself a nobleman, like the Asturian: and he was one: but to split and separate, where there is equality, corrupts those who are raised and those who are pusht back: happy was it for Rome, that she had a two-

[554] Which was one reason why the elections were not held before the end of the year of office.

fold noble population! The possibility of freedom depends upon several particulars: firstly, that the different bodies, among whom the administration is divided, should be able to exercise such an influence upon one another by checking and controlling each other's acts, that no one can exercise tyranny without incurring greater danger than it likes to venture upon: secondly, that variety should exist instead of uniformity in the popular part of the constitution, such as was here secured by the difference between the old, the new and the newest tribes, and between the country and the city ones, and even by hostilities between some[555]: and lastly, that the vast majority of the whole population, while protected no less than the others by the laws, should not be affected by the events, which deeply concern the estates, on whose equipoise liberty depends: and this was the position of the erarians even after the innovations of Appius; nay, even the libertini were in reality again confined to this position in the city tribes. For the rest, it did not occur to the Romans to expect of the elections, that the electors should discover the persons who were preeminently qualified: they saw in them, as in the censorial power of enrolling a person in the senate, only an expedient; and some such was absolutely necessary to give each man his place: this is sufficiently clear from the influence of the prærogativa.

I think I have shewn, that an arrangement, like the one described above, was well suited to the wants of the republic, that it was acceptable to all classes, and that there was nothing to recommend them to prefer in its place a mere reform of the old one: the historical question, whether it was carried into effect, is quite a different one, but it was necessary to prepare the answer to it by means of the above enquiry. It certainly does not require many observations to prove, that the Servian constitution no longer existed at least at the end of the

[555] For example, between the Pollia and Papiria: Livy, VIII. 37.

republic and in the empty comitia, which continued to be held under Augustus. Formerly people might imagine, that Cicero was elected by the unanimous votes of the knights and of the eighty centuries of the first class: now perhaps no one, who has paid some attention to historical philology, thinks so any longer: and antiquated errours may be regarded as set on one side. Here it is sufficient merely to remind the reader of the well known passages, which shew by clear words, that the former order of things no longer existed[556]: although it will be necessary to return to them, to ascertain what was introduced in its place[57]. It is not however superfluous to direct attention once more to the great differences in Livy, Dionysius and Cicero respecting the number and the position of the accessory centuries and hence in the collective number, and between the two former respecting the census of the fifth class, which shews as clear as daylight, that they were describing things, which had past away and disappeared[58]: moreover that, according to Livy, the knights were first called upon, although as early as the war with Hannibal a century of a tribe was called up as prærogativa: lastly,

[556] Livy, I. 43, 12. 13. and those which have already been quoted in a note on this passage by Ursinus after Ant. Augustinus: XXIV. 7. and 9. XXVI. 22. XXVII. 6. Cicero, de leg. agr. II. 2. (4.) pro Plancio, 20. (49.)

[57] Two, which, if I am not mistaken, have been overlookt, I shall quote here: the criminal trials, which always belonged to the centuries, were held in the time of Polybius according to tribes, so that, if there was only one which had not yet voted, the accused might quit the country; VI. 14.: κἂν ἔτι μία λείπηται φυλὴ τῶν ἐπικυρουσῶν τὴν κρίσιν ἀψηφόρητος. Nay even in the days of Plautus: Captivi, III. 1. 15. 16.

Ipsi de foro tam aperto capite ad lenones eunt,
Quam in tribu aperto capite sontes condemnant reos.

Plautus never translates matters relating to public life: and surely in the courts of Greece the votes were not taken according to phyles.

[58] See my essay upon the passage of Cicero concerning the comitia of the centuries.

that the more recent arrangement of the legions, such as is described by Polybius even for the time of the war with Hannibal, presupposes the abolition of the differences between the classes just as decisively, as the earlier does the classes exactly according to the Servian constitution.

Lessing asks, whether an opinion is to be rejected, because it first presented itself to an unsophisticated mind? and the more instances I have become acquainted with in Roman topography, of the correct view with which the first restorers often hit the right point, although they too sometimes saw wrong, and how that which they had defined perfectly and satisfactorily, was afterwards converted into the greatest errours by the subtleties of less clearsighted men, who became perplext by the apparatus that had been amast and which they were unable to master, the less do I wonder, when enquiry only brings forward again in other matters also that which was taught as early as the first half of the sixteenth century, and was afterwards put on one side and forgotten, as if substituted by something better. Of this kind is the view, which Antonius Augustinus in Ursinus[559], copying, it is said, from Pantagathus[60], mentions only by the way and rejects, without naming its author. The doubling of the tribes, he says, did not consist, as some one[61] thought, in the fact, that, after thirty-five tribes were formed,

[559] Note upon Livy, 1. 43, 12. 13.

[60] I say, it is said, because it cannot be known, how much the disciples of this philological Socrates may have derived from his oral instructions, and whether they did not, as one would suspect, very often set forth their own thoughts under cover of his name, that they might be the less exposed to attacks. Pantagathus was a Roman monk.

[61] This some one was probably Gabriel Faernus, against whom the disciples of Pantagathus had a bitter grudge, for which this excellent man was compensated by the friendship of Michel Angelo. The attention of Faernus may have been directed to this *locus classicus* in his labours upon the Philippics.

they constituted seventy centuries, and that these were divided into two classes, as the same person inferred from the passage in the second Philippic.* After this condemnation the opinion of Pantagathus is proposed as the only correct one, according to which the five classes remained, while each contained the two centuries for each tribe. In the same manner, he adds, the knights were divided according to tribes, in which case it only remains undecided, whether it was simply the juniores and consequently only one or two centuries with them also: according to the former supposition there would have been three hundred and eighty-five, according to the latter four hundred and twenty centuries.

The inadmissibleness of this opinion is in the first place clear from the physical impossibility of the case. The Roman elections could not be continued like the English for several days; it was necessary for them to be terminated in one day or to be begun afresh. Like all public transactions, they had to be concluded at sunset, and they certainly did not begin before daybreak. If the case occurred, which Cicero mentions in such a manner that it cannot have been at all unprecedented, that it was necessary at a disputed election to let all the centuries vote, there would have remained on a day of moderate length just two minutes for letting the voters pass over the bridges and for taking their votes. This is absolutely inconceivable: though I am well aware, that from the time of the Cassian law even eighty eight centuries may have found it difficult to finish their business, as each could not have quite ten minutes: but what is difficult is not impossible.

I do not mean to reject as absolutely inadmissible the interpretation, according to which the words of Livy, which are of the greatest importance, are to be understood of two centuries in each class: in that case however Livy would have exprest himself very carelessly.

* II. 33.

And if the division into classes itself together with the number of centuries contained in each suggests, that of every thirty-five citizens of the first five classes some such number as six must have been reckoned in the first, and twenty-nine in the four remaining classes upon their first institution, so it may at any rate be conceived as an hypothesis respecting a matter, on which nothing can be said with any probability, that at the time of the alteration the number of citizens in the first class, after the separation of the knights, formed one-fifth of the whole body of citizens contained in the classes, and that in the sense of a Greek democracy no more votes were now left to them. But now that those classes which stood nearest to the first, should have been favored indirectly in comparison with the first, and directly in comparison with the last, this hypothesis agrees with no system and is altogether inconceivable: and just as little can it be imagined, that, where there already existed a whole, and as it appears in clear numbers before the Hannibalian war, a very numerous class of persons possessing above one million, who formed only one class, the difference in the fractions between a hundred thousand and twelve thousand five hundred,—which could only be of importance, so long as one hundred thousand ases formed a comparatively wealthy man and only some few exceeded that sum,—should still have had such weight that one class was favored more than the other, and that to so great an extent[562]. As the value of money fell, the proportion be-

[562] That the large numbers and the forein money may not deceive the reader, I will mention an example in a well known coinage. One hundred old ases or ten denarii may be reckoned equal, where great accuracy is not the object, to four florins of the empire, (one such florin is equal to two shillings English,) and consequently one hundred thousand ases to four thousand florins. Now about the fourteenth century the quantity of silver, which answers to four thousand florins of the present day, would have formed in Germany the fortune of a very wealthy citizen: and although there were some persons much wealthier, that class might have been very properly estimated by that standard. At that time three thousand, two

tween the number of the really poor and of the more or less wealthy (between the *proletarii* and the *locupletes*) perhaps remained unaltered: but it became more and more a matter of indifference, how far a man was from being wealthy: least of all could this serve as a basis for the constitution; least of all could the classes of this kind be favored.

Men like Antonius Augustinus and others, who afterwards adopted this opinion, can only have overlookt this view, because they neglected to realise to their minds political relations and to carry them into life from the dust of their books and the forms of quite a different age, which were forein to their eyes. Had they done this, they would infallibly have gone a step further, and supposed, that the property-classes still continued indeed, but were regulated according to the altered value of money: such an oversight, by the perception of which the idea is in reality only completed, Augustinus in truth cannot fairly be charged with[563]. Passages also, in which one might certainly think to find a more important meaning in the property-classes, could not have escaped the notice of these well-read enquirers[64]: still only a preconceived opinion can prevent a man from adopting an extremely simple view, which requires no further hypothesis, in place of an artificial one, which cannot be

thousand, one thousand and five hundred florins would likewise have been suitable standards for further divisions into classes. But if in the course of centuries property increast so much and the value of money decreast so much, that a whole class of wealthy persons was formed possessing more than forty thousand florins, how would it then have been conceivable, that the classes should be arranged in such a manner, that the possessors of from four to three thousand florins, without reckoning the very wealthy, should have obtained a fifth of the votes? or that in general any importance should have been attacht to these trifling differences?

[563] Hence I have admitted that the hypothesis of Pantagathus is consistent and exact, which in truth it is not without this completion.

[64] In Livy, XXIV. 11, where a crew is to be provided, one million, three hundred thousand, one hundred thousand, fifty thousand ases: and XLV. 15. a census of seventy-five thousand ases for freedmen.

maintained without new hypotheses, which it would be necessary to found upon statements so entirely unsafe.

If however the doubling of the number of the tribes consisted in each tribe containing two centuries, one of the older and one of the younger men, then, and properly only then is Livy's expression accurate: nay, it is then so accurate, that if the historian could have thought of the necessity of preventing a misunderstanding with posterity, he could not have chosen a more precise one. This is also consistent with the mention of the centuries without any further designation, which any other hypothesis is compelled to consider as an omission: it agrees too with the statement of Polybius, that all the tribes were called upon to vote in the *judicia capitis*. Nay I add further, it is supported by an argument, which, though of a negative kind, is one of the greatest importance, that this same circumspect historian, when he endeavours to explain to the Greeks the nature of the Roman government, speaks of the people only as δῆμος, which could suggest to a Greek absolutely nothing but a community of equal persons voting according to phyles: not a word is added, which could by any interpretation be referred to property-classes; except that he says, that the knights, formerly elected aristocratically, were now registered according to their wealth. This is the more decisive, as the old constitution of the centuries, or what would have been only analogous to it, was for the Greeks of that time at least quite without example and unheard of; and he is moreover so careful, that he elsewhere mentions, how those, whose census amounted to more than ten thousand drachmas, — that is the old first class, — although distributed among the others without any difference, were distinguisht by breast-plates, in order to preserve according to the Roman custom the recollection of the past in every thing. I am not fond of appeals, like that to which I feel myself here reduced, but I must appeal to every one, who knows the manner of Polybius, whether he can doubt, that, if those soldiers who possest more than

ten thousand drachmas had belonged to a first class, he would have added: "and who belong to those, who form the first symmoria, and have the greatest influence in elections and in the courts of the people, and when the consuls propose a law to the popular assembly": for this minuteness is natural to him and arises from his desire to be understood as clearly and completely as he thinks. That his description of the popular power should be quite irreconcileable with the old constitution of the centuries, seemed inconceivable to me for a long time, until light was cast upon these things: and such will be the case with every one, who investigates without being biast and endeavours to render clear to himself that which he is reading.

Now in the detailed accounts which we have respecting the arrangement and proceedings of the Servian comitia of the centuries, there does not occur any trace of a prærogativa, nor was it necessary, because a majority among the knights and the first class might agree upon the candidates, before the day of election came. The case was different with the tribes, in which many country people engaged with their domestic duties and honest labour paid little attention to public affairs, and came to the city only when it was necessary: in order to make them acquainted with the candidates for the election, who were unknown to them, one tribe was called up as prærogativa[565]. This happened in the following manner. Each tribe contained men, who certainly did live in the city and take an active part in public affairs, and were lookt up to by their tribules as authorities, and whenever they were unanimous, the members of their tribe voted with them. By this result the other tribes were determined in their way of voting, with few exceptions, since contested elections sometimes occurred then as well as in subsequent times, when the comitia of the centuries were held according to tribes, so that the regular decision of the prærogativa must not be

[565] Varro in Festus, s. v. Praerogativae.

understood literally[666]. The Romans in their elections, as well as in their votes respecting laws, did not think of a matter being decided by individual voters; the idea of obtaining solid decisions by summing up the votes of individuals and by their majority, could never have occurred to them[67]; they saw in the forms of elections especially, only a means more or less imperfect of putting a man in his proper place, in the same way as persons were enrolled in the senate, the knighthood and the tribes by the censors. If one tribe had possest the prærogativa permanently, this one would have decided every thing and been in reality the ruler of the republic: it would have been exposed to incessant intrigues and bribery, and been corrupted: a natural opposition on the part of the others would have frustrated the object of the arrangement, and it was therefore necessary that it should be decided by lot. We may moreover take for granted without any hesitation, that the man, who voted first in the tribe and was called up by name, was not fixt upon in the same way by lot, but was on the contrary chosen by the presiding magistrate as the most distinguisht and most respectable in his tribe, and that his vote again pointed out the way for the whole tribe. The existence of a prærogativa in the comitia of the tribes is clear from the comitia of the military tribunes in the year 359[68],

[666] Not in the earlier times; in Cicero's days it may have been different.

[67] It belongs to that class, which Lessing, had he lived in our days, would have called "shallow, disgusting and revolting."

[68] Livy, v. 18. It is further clear from this passage, that the military tribunes with consular power were elected not by the centuries but by the tribes: a highly important circumstance, by which alone it becomes clear, why the senate was so anxious that comitia for the election of consuls should be held. For there were among the patricians friends of peace and of the legitimate order of things, who could be excluded from the latter, but not from the former: which is proved indisputably by the words *jure vocatis tribubus*. (Compare a doubt upon this, Vol. II. p. 395.) Had this occurred to Duker, the investigation in his beautiful note on that passage would easily have

and likewise the calling up of the other tribes according to a legal succession, from the expression *jure vocatae.*

This influence and this honour of the prærogativa could not possibly be given to a tribe consisting of libertini. As therefore a difference was introduced between the city and the country-tribes and the prærogativa was taken only from the latter, these were very appropriately distinguisht by the name of *primo vocatae* among the *jure vocatae* (which all were) [569]. The removal from a country to a city tribe was therefore now a civil degradation, and that not merely with reference to the origin of the tribules. The city-tribes may in contradistinction have been named *postremo vocatae.* Nor would it on the other hand be surprising, if each division had been distinguisht as the *prima* and *secunda classis* respectively: for though the word *classis* properly means a division of the army and consequently the totality of the old centuries, yet this definite signification was lost in the more general one, and the divisions of the later centuries, possessing as they did different rights, might at first be very consistently called so. In this way I now explain the well known passage of the second Philippic [70]: the first class are the centuries of the country tribes with the twelve centuries of the knights: then the *six suffragia* are called: and last the centuries of the city-tribes.

That the *suffragia* voted after the first class is clearly stated in the passage referred to, and these words cannot be sacrificed to critical caprice: and it also follows from the equally well known passage respecting the court of the people in the case of C. Claudius the censor, in which the

reacht the goal, before which it now wanders about in uncertainty. What a pity that Duker did not investigate separately the public law of Rome! What a pity that he edited Thucydides!—However I am very far from wishing to upbraid him with the separate things he has overlookt, for the same has happened to myself.

[569] Among the *urbanae* too there was necessarily an order of succession: the Esquilina must have been the lowest. (Livy, XLV. 15.)

[70] c. 33. (82.) Prima classis vocatur.

twelve centuries of the knights are mentioned as voting in the first class[71].

This combination was quite appropriate and natural, for the knights in these centuries were plebeians; while in the six suffragia on the other hand the patrician houses[72] were contained, to which the regulation concerning property of a million of ases did not of course apply; nay in the strictest sense they were not reckoned among the knights, who were arranged entirely according to wealth. The voting of the plebeian order in this manner first is founded upon the old arrangement, according to which the curies decided upon the decrees of the other comitia.

The comitia according to the new arrangement still continued to differ from those of the tribes in four very essential points: in the separation of the plebeian knights and the participation of the patricians: in the division of the tribes into centuries of older and younger men: in the exclusion of the proletarians: and in the use of the auspices.

The centuries of the older men formed a moral aristocracy of a much smaller number of experienced men, who had preserved their respectability as citizens and their property to an age, at which, generally speaking, both were secured for the remainder of their lives. The exclusion of the proletarians, that is, now of those who rated their property at less than 4000 ases, from service in the legions[73], allows us to infer that they were excluded from the comitia: in the tribes on the contrary every Quirite voted without any distinction[74]. The auspices, although in their origin

[71] Livy, XLIII. 16.

[72] Festus, s. v. This distinction also lies at the bottom of what Livy says (I. 43. 8. 9), where Gronovius's emendation *e tribus* is evidently true.

[73] Polybius, VI. 19. The supposition of this new standard of property suggests, that the value of property was increast about one third at the time of the change in the laws respecting elections.

[74] Dionysius, VII. (59. ἵνα — ἰσόψηφοι καὶ ὁμότιμοι πάντες ἀλλήλοις

meant to be religious, had nevertheless been used by the government even at an early period as a political instrument for controlling and influencing the popular assemblies[675].

I have proposed my views on the nature of the later constitution of the centuries with the expression of certainty, which corresponds to my conviction, that their character is sufficiently proved both by the words of the passages which are to be considered, and by the very circumstances from which it necessarily arose in the way I have described: that the old constitution did not continue, and could not without absurdities. But I do not therefore deny, that such a simple view as this, which was adopted by that unknown writer almost three hundred years ago in consequence of the express words of Livy and the mention of only two classes and the suffragia in an account of a completed election, must have had some probability against it, which prevented its being generally adopted, nay its even being merely noticed, so that forced and artificial explanations sprung up in its stead. It therefore now remains to enquire into and explain what can be alleged against it, in order, as becomes an honest investigation, to pass over nothing, and to solve these difficulties also.

Dionysius after describing the Servian constitution closes thus: "this order of things was preserved for many generations, but has been changed in our times from necessity and become more democratical; nevertheless the centuries are not abolisht, but are no longer convoked according to the old rule, as I have observed, since I have often been present at their elections"[76].

In Sallust's letter to Cesar, which, it is true, is spurious,

γενόμενοι μιᾷ κλήσει τὴν ψῆφον ἐπενέγκωσι κατὰ φυλάς.) This is what the historians too are thinking of, when they say, that previous to Servius the meanest citizen was equal to the most distinguisht in the comitia.

[675] In such a scanty history only a few examples of it can be expected: but nevertheless Livy, VIII. 23, has reference to it.

[76] IV. 21.

but cannot have been written later than the second century, the author recommends, that the centuries should be drawn by lot from all the five classes, concerning which C. Gracchus had promulgated a bill[577].

The Voconian law, which forbade those whose property was registered at more than one hundred thousand ases, to appoint women as their heirs, seems to have reference to the first class all the more, as Cato in recommending the measure used the words *classicas* and *infra classem*[78].

The peculiar armour of those who were estimated at more than ten thousand denarii[79], the provision in Cicero's law that the censors should divide the people according to age, orders and classes[80], and even the figurative expression "to belong to the fifth class," applied to one who is far inferiour to the distinguisht men of his kind, but still is somebody[81]: — all this appears to indicate the continuance of the old order of things.

The passage of Dionysius contradicts my hypothesis no more than it does every other, which attempts to explain the express testimonies and statements from the sixth and seventh centuries respecting the appearance of the tribes in the comitia of the centuries; for according to this passage the alteration, which after all only affected the order in which the centuries voted, could not have been introduced till the time of Cesar or Augustus, and previously everything would have remained unaltered. He therefore who cannot make up his mind to give up these passages unceremoniously, which would indeed be inconceivably rash, must, even though he does not approve of my hypothesis, yet acknowledge with me, that Dionysius here does not deserve to be listened to. How he could often have been a spectator at

[577] De ordinan. republ. II. 8.

[78] Gellius, VII. 13.

[79] Polybius, VI. 23.

[80] Cicero, de legib. III. 3. (7.)

[81] Cicero, Lucullus (Acad. Pr. II.) 23. (73.)

elections and yet have made such a monstrous mistake, remains, it is true, inconceivable; but who will determine the limits of his mistake, when its general existence cannot be denied? Is it possible that there was any connexion with the elections in the distinction, which Augustus introduced between the tribes and the *plebs urbana*, when he ordered persons to vote in the municipia and the reports of the elections to be sent in? Is it possible that he revived the classes in that *plebs urbana* just as distinct from the tribes, but no longer convoked the centuries in the ancient order? In this case Dionysius might have overlookt the long period, in which the centuries of the tribes existed, and have regarded the new artificial arrangement as a direct alteration in the earliest constitution. This hypothesis now would also be a satisfactory explanation of the passage in the Pseudo-Sallust: and I should be inclined to attribute much weight to it, if Livy, who wrote soon after Dionysius, did not speak of the centuries of the tribes as the existing form. Considered by himself that forgerer with his mention of the classes would deserve no more consideration than the alleged law of C. Gracchus; if it has any foundation at all, it is probably no more than this, that the centuries were no longer called up to vote according to the customary order, — which facilitated the foul proceedings of dishonest candidates, — but that it was determined by lot in what order the country-tribes were to vote: for one little knows the Gracchi, if one believes, that they would have mixt the tribes of the city with those of the country.

The continuance of the practice of registering the citizens in classes according to the old form, or at least that they were taken into account in laws and customs —a figurative mode of speaking may survive the thing for many centuries— has at Rome nothing more surprising in it, than the continuance of the curies after they had long lost all political importance. Scarcely one of the institutions establist by law was ever abolisht at Rome: new ones were formed by their side according to analogy,

just as necessity required; but those which died away, overshadowed by the development of the others, were nevertheless not rooted out.

Livy seems to place the transformation of the centuries of the classes into double centuries of the tribes subsequent to the time, when the tribes had reacht that number, which was never increast afterwards. But after all it is not quite certain whether he meant to say this: he may only have meant to compare the number of the old order and that which existed after the formation of the thirty-five tribes. That this statement at all events decides nothing, Duker clearly saw[582]: the change must in that case have taken place between the first and second Punic wars, since the new order is in existence during this war: nay even before 521 (527), in which year there occur legions of four thousand two hundred men, which correspond to the new order[83]: and in this period one looks in vain for a man, with whom it may have originated, and to whom it still may not have been ascribed, as well as for an occasion. In the censorship of Fabius the necessity was urgent: his merit as a restorer of the good order was ever remembered: I think I have shewn, that the change in the city-tribes could not have attained the object which he attained, without this extension of the relations of the tribes. But we have a direct proof in the *primo vocatae centuriae* now occurring in the year 449 (455) in the election of the consuls[84].

The necessity of giving a greater extension to the levies has been mentioned among the probable causes of the introduction of the new arrangement: and here one must not overlook the acknowledged advantage of a change in the arrangement of the army, the complicated nature of which there was no longer any reason for preserving, since Romans and Latins were no longer united in maniples. The number of light-armed troops in the legion was too

[582] On Livy, v. 18. [83] Polybius, II. 24. [84] Livy, x. 15.

large in proportion to the infantry of the line: according to the general rule there were 1200 light-armed to 3600 men without reckoning the depot-batallion; and this could not be otherwise, so long as the soldiers had to equip themselves. Now 120 men were levied from each tribe, so that after the year 447 (453) the legion was raised to 3960, of which only [585] (1320) were light-armed. The depot-batallion was altogether done away with. It was at all events now, if not before, that bronze which had risen very much in price, was exchanged for iron: of the change in the tactic I shall speak hereafter.

The reform, by which instead of the merely aristocratical election of the knights, a census was fixt for those who were not patricians as the condition of belonging to the order, which was however made dependent upon an unblemisht character, cannot be traced to Fabius as its author with the same certainty as the change in the centuries. But the appropriateness of the whole reform is completed by preserving the timocratic principle, wherever it was important and essential, and at the same time depended upon character and honour: noble birth without inherited wealth feels itself opprest and is deprived of the free confidence, which fears no one and envies no one, and by means of which it is the great blessing, without which the worth of many a man remains undevelopt. The existence of an equestrian census of one million at the time of the Hannibalian war is probable, though, it is true, uncertain: for the senators surely had not a heavier burthen imposed upon them than their property was able to bear; though on account of their dignity they may have been taxt a little higher than others possessing the same amount of property [86]:

[585] (The number of the light-armed is *not* in the manuscript: it has been supplied from the analogy of the former rule by a third of the whole number.)

[86] Those whose property was rated at a million furnisht seven sailors: a senator eight. Livy, XX. 11.

there must therefore have been a senatorial census as early as that time, and one sees no reason why this should then have been higher than the equestrian: but the former also applied to the patrician senators the regulation, which was in force for the plebeian ones. A direct trace of Q. Fabius and P. Decius having given a new constitution to the knights also, appears certainly to be implied in the fact, that it was they, who instituted the solemn annual procession of the knights[567].

I know of no more suitable place than this to express a conjecture respecting the meaning of the censor's command, which compelled an unworthy knight to sell his horse. If the republic directly or indirectly gave ten thousand ases for the purchase of the horse, and the knight in addition to this had two thousand annually for its keep, he was favored beyond measure and the state overburthened. Now if one supposes, that the former sum was the capital, by which a vacancy, whether arising from death or degradation, had to be purchast by him to whom the censor assigned a horse, in order to be enrolled in the number of those who served on horseback, (a number incomparably smaller than that of the knights,) then every thing is conceivable: only it has been wrongly supposed, that the state originally gave the sum, in order to regulate the service. These horses must have been choice animals: the possessor always had to take care that it was in good condition—hence the censors' superintendence of the condition of the horse —and without doubt had to replace it, when it died or became useless: as a compensation for this he enjoyed annually twenty per cent for this capital, as interest, as pay and as security against accidents. It is exactly the same as purchasing admission into a corporate guild, of which the purchase at Rome of a notary's place is surely only one example among many, or a productive, hereditary or saleable office by depositing capital. And

[567] Livy, IX. 46.

thus it is also clear, how L. Tarquitius, the friend of the great L. Cincinnatus, could not serve on horseback on account of his poverty: but poverty does not prevent a man from receiving ten thousand ases at one time, and then two thousand every year. The obligation of purchasing a place in the service on horseback, might be imposed by the censors very much against a person's wish: hence the security against it belonged to the immunities[588].

From this censorship Q. Fabius received the surname of the Greatest, which so many victories and triumphs had not gained for him[89]: and with the greatest justice, because it is a nobler thing to form one's mind than to acquire a mass of isolated knowledge, and a nobler thing to make life youthful again than to recover from an illness. Had Fabius been obliged to act in an age, from which the voice of all the vanity he offended, and the rage of all the ruinous projects he frustrated, could have made themselves heard, and been eagerly received by the fanaticism of the blind and overbearing belief, which springs from the shallowest opinions, still his fame would hardly have been diminisht, since the lapse of time places before our eyes what happened in spite of his reform. But he enjoyed a rare blessing from fortune in being able, so far as we can see in this twilight, to choose regulations which were unmixt with any evil: if he had been compelled by expediency to adopt such as would have produced evils of their own, although he might have overcome the evil, which it was necessary to subdue immediately, still the endless misfortune which he checkt in its origin, — tyranny after contemptible dissolution, — might easily have been denied,

[588] Livy, XXXIX. 19: ne invitus militares, neve censor ei equum publicum assignaret. (Compare the later view of the author upon this subject, vol. I. p. 469. foll.)

[89] Livy, IX. 46. This surname however was not so extremely uncommon: M. Valerius and Sp. Carvilius received it also. Their contemporaries must have had warm hearts.

and the evil, to which he was obliged to give room, been brought up in judgement against him. But his good fortune was not altogether perfect either: for his work was destroyed and spoilt by later generations repressing progress and development, although their forefathers had given them an example of both and of the blessings attending them.

Washington might have been a much greater general than he was, and still the constitution of the union would be his greatest work: although in contradistinction to the Roman reform, its very development must end in destruction. That which led to it however, he could not possibly avert or control: he wanted Roman elements: but without his legislation his country would have been the contempt of the world. Historical enquiry is rich in enjoyment, when it revives in things both small and great that which has died away in one's recollection, so that it reenters among the other things which are past, and which likewise continue to live only in our thoughts. But there is one thing which gives happiness,—to restore forgotten and overlookt greatness to a position where it can be recognised: he to whom fortune grants this, enters into a relation of the heart with spirits long departed, and he feels himself blest, when similarity of deeds and sentiments unites with the feeling for them that feeling, with which he loves a great man as a friend.

THE OGULNIAN LAW.

THE institutions, which manifestly point to the division of the earliest Roman people into three tribes, attest just as clearly, that these original tribes of the patrician houses were not equal among one another: nay the inequality of the third tribe (of the *gentes minores*) always continued to exist in some points, probably because there was no legal form of remedying it after the abolition of the kingly dignity[590].

Probably each tribe had one of the three higher flamens, who always remained patricians: the Quirinalis was added to the Dialis and Martialis, both of whom had existed previously and rankt higher[91]: the relation which the six priestesses of Vesta bore to the tribes, is acknowledged, and has only been applied too artificially to their subdivisions also[92]. Originally there were only two; to these two more[93] were added by the union of the Sabines with the Ramnes, whereby the senate also was increast to two hundred, and two kings reigned: at a much later time the third pair was added from the lower houses. This completion is ascribed to Tarquinius Priscus, in the same way as the admission of the third hundred into the senate

[590] The following remarks, which could not be separated from the context as it stands, are already incorporated in vol. i. p. 319 foll.

[91] Plutarch, Numa, c. 7. p. 64. c.

[92] Festus, s. v. Sex Vestae Sacerdotes.

[93] Plutarch, Numa, c. 10. p. 66. d.

from the same gentes[94]; with less consistency by others to Servius Tullius[95], because the legislation which bears his name, does not affect the patrician institutions.

The same course of things, only not continued, is apparent in the case of the Salian priests: their most ancient college is that of the Palatine, which remains the highest in rank; but along with it there arises that of the Quirinal, which was instituted according to the story by Tullus Hostilius. Here we cannot mistake the two tribes, which had settled on these hills. A third college for the Cælian was not founded.

It was a more essential part of the inferiority of the lesser houses, that they had no share in the augurate and pontificate. It is true, if Cicero's statements were as accurate as it is possible for any to be,—though one must first of all banish from one's thoughts the pretended personal existence of the authors of the regulations,—Romulus elected from each tribe one augur as his assistant, so that together with him there were four[96], and Numa added two more[97], so that there were then six including the king. But the king must after all have been as forein to the augurs, as the priest-king was afterwards: the statement respecting Numa shews the same course of things as in the case of the vestals and the Salian priests: before the Ogulnian law there were only four[98], and to suppose, as Livy would, that the college had been accidentally reduced to this number from six by vacancies occurring through death, which were not filled up, is in no wise possible. Would the patricians have allowed themselves to be deprived of two places by such an accident, and would not the second order have rather tried to obtain six? How could a law merely take from them what they possest? and who prevent them

[94] Dionysius, III. 67. p. 199. c.

[95] Plutarch, Numa, c. 10. p. 66. d.

[96] Ex singulis tribubus singulos cooptavit augures: de re publ. II. 9. (16.)

[97] De re publ. II. 14. (26.)

[98] Livy, X. 6.

from exercising the right of cooptation before the rogation past? Was then the number of pontiffs more than four? In that statement, which tries to make out six for the earlier time and nevertheless makes Romulus elect one from each tribe, we may perceive the assertion of the later augurs, that each tribe should be represented by one or more[599], when those ancient tribes might have been represented by the plebeian augurs. He who does not intentionally mistake what is obvious, can have no doubt, that only the tribes of the greater houses had augurs and pontiffs in the year 446 (452).

The importance of the Ogulnian law, which increast the number of pontiffs to eight by the addition of four plebeians, and that of the augurs to nine by the addition of five plebeians, was as great, as the demand was just. It has been remarkt above*, that the auspices were already used as a political engine and a veto: the power of the pontiffs was of very great extent. In every thing appertaining to the liturgy, in the public, gentilician and private worship of the gods, they were the interpreters of the law and the judges, according to books which they alone possest: upon their sentence it depended, whether an action, with which religious solemnities were connected, was valid or not: and whatever concerned the *res sacrae*, *sanctae* and *religiosae* assuredly belonged to their forum exclusively: from their punishments there was no appeal. It was indeed fair, that the order, to whose members the state entrusted half of the auspices, should also decide upon their validity and not be dependent upon the displeasure of others; and likewise that those who shared in all the rights of the civil state, should not be excluded from the ecclesiastical. The opposition of the patricians, founded upon the original privileges of their order as commanded by religion, could have all the less influence in disturbing even the weakest minds, in as much as they had not any longer been able to boast

[599] Livy, x. 6. * pp. 341. 342

of the purity of their blood since the connubium which had long been establisht. The opposition too must have been beyond all comparison much more lukewarm than in earlier times; for as the Hortensian law was not yet past, the curies must assuredly have given their sanction, and above all things in a case like this. Moreover it is in truth scarcely probable, that the new places were filled up by the people's election; and if the existing priests exercised the right of cooptation this time also, the names of the plebeians who were admitted shew, that they honestly chose the most honored of this order: among them first P. Decius, who in recommending the law is said to have appeared before the people, drest like his father in the Gabinian costume, as he appeared when he devoted himself to death, as he himself appeared when he did the same a few years afterwards. The newly elected members must have been perfect strangers to the pontifical law and the science of the augurs: but of this as well as of the civil law the plebeian Ti. Coruncanius became the greatest master even in this very generation.

VARIOUS OCCURRENCES OF THE SAME PERIOD.

As if it were an hereditary obligation to protect the freedom of the citizen, the consul M. Valerius renewed in more careful terms in the year 446 (452) the law of his ancestor, which secured an appeal to the people in cases where the highest magistrates had sentenced a person to corporal punishment, but still without affixing a definite punishment for the offender. The different degrees of the crime and of the excuses that might be made for it, were of too various a kind, not to leave it entirely to the discretion of the tribunes in those times, which feared to endanger the power of those who were called to the government, whether they should bring forward an accusation for a heavier or a lighter punishment when the time came, in case they should not be able, which can seldom have happened, to prevent the outrage.

I assign to about this period the *Lex Furia* respecting wills, which is evidently very much older than the Voconian law, and the author of which may probably be supposed to be the same L. Furius, who wrote laws for the conventus at Capua in 430 (436). This law, which, as is well known, forbade with a few exceptions, of which the particulars are not stated [600], any single person to bequeath by will more than a thousand ases, and which condemned

[600] I think Agnati and Cognati.

him who received more in violation of the law, to a fourfold punishment like a usurer, is of importance on acocunt of the causes which gave rise to it. The practice of giving legacies to whomsoever the testator pleased, had become common, and the consequence was, that those who were appointed heirs did not accept the inheritance: the Romans however, careful in preserving wealthy families, no more liked the splitting up of the succession *ab intestato*, than squandering the fortune upon strangers. Now in regard to the former case the law certainly attained its object, when the inheritance was large; when it was small, only imperfectly; but it could not have been sufficient to prevent the favoring of women, since the Voconian law was found necessary afterwards.

In the year 440 (446) the censors excluded L. Antonius from the senate, because he had dismist his wife, without having assembled his friends to pass judgement upon her[601]. This account proves the fabulous character of the opinion, which has arisen from a misunderstanding, that no marriage was dissolved previously to Sp. Carvilius Ruga after the first Punic war: there is an admiration of ancient times and manners, which cannot perceive the greatest absurdities. Why should the marriage by mere consent have been allowed to continue, if divorces never took place? and if an immense number of matrons fell at least under the suspicion of poisoning, would a husband in a case of suspicion like this or in one of a similar kind have allowed a bond to continue without the strictest proofs of innocence, when he had the power of dissolving it? If Q. Fabius would have withdrawn his daughter from his son-in-law, in case he had believed in his guilt, it was surely not an unheard of thing to do so; for otherwise it would have proved nothing to the people. According to the ecclesiastical law divorce was possible even in cases of consecrated marriages, only it was connected with horrible ceremonies:

[601] Valerius Maximus, II. 9. 2.

where the thing is morally impossible, such a law probably does not exist. The regulations of the law respecting the retention of any part of the dos, or its payment in advance, also belong to very early times[602]. But *repudium* and *divortium* are confounded: and the true reason for that separation of peculiar marriages, which was introduced in later times, is probably owing to the fact, that it must evidently have been very difficult, to discover a means for doing away with the *conventio in manum.*

During the same censorship C. Fabius painted the temple of Salus[3] for the censor C. Bubulcus, and hence obtained the surname of Pictor: this continued to be remembered as a proof, that painting was honored at Rome as a liberal art. As M. Valerius placed in the temple a picture of his battle against Hiero, so that of Fabius was probably a representation of the battle against the Samnites, in which C. Bubulcus had vowed the temple and not in vain. Dionysius praised the great correctness of the drawing in this picture, the gracefulness of the coloring and the absence of all mannerism and affectation[4]: it may in its kind have been what the she-wolf is.

[602] See above p. 60.

[3] Pliny, H. N. xxxv. 7.

[4] That the passage in Mai's Exc. xvi. 6. *αἱ ἐντοίχιοι γραφαὶ ταῖς τε γραμμαῖς πάνυ ἀκριβεῖς ἦσαν, καὶ τοῖς μίγμασιν ἡδεῖαι παντὸς ἀπηλλαγμένον ἔχουσαι τοῦ καλουμένου ῥώπου τὸ ἀνθηρὸν* refers to this, is quite obvious from the chronological succession.

THE THIRD SAMNITE WAR AND THE OTHERS OF THE SAME PERIOD.

The tenth book of Livy is in reality the only source for the first six years of the third Samnite war with the exception of a few insignificant accounts; and we miss with the lost annals of Diodorus those brief statements, which borrowed, though hastily and with ignorance, from original annals, nevertheless served so often as a check upon Livy's narrative during the greater half of the second war. Concerning the last three campaigns, as well as concerning the whole period down to the war against Pyrrhus, only scattered statements are preserved, and though these are in truth but scanty, yet however much they may be so, we must not at all suppose, that we possess very much less of the real history than would remain after an unprejudiced consideration of a detailed account. For it must be acknowledged, that the history of this war in Livy is evidently much more precise than that of the preceding one: and if every trace of most of the places in Samnium had not been obliterated, one could have followed the description of the occurrences in more than one campaign from place to place: several parts are already of quite an historical nature, as the statements respecting the booty and especially the history of Fabius's campaign in 449 (455), in which everything sounds credible and fair. But concerning other years he owns, that he found the most irreconcileable contradictions in the annals, among which he does not follow those of Fabius, although he certainly deserved more credit respect-

ing a war, the hero of which belonged to his family, than in other things, as he must have found the most authentic documents in the archives of his house. It is probably from Valerius of Antium, who was never in difficulties about numbers, and who feared no exaggeration in them, that Livy took the particulars of the history of the campaign in 453 (459): for however strongly they may have determined to persevere, it is clearly impossible, that, if the Samnites after several bloody campaigns had lost in a single one more than 53,000 dead and 31,000 prisoners, they should still have had men enough left to stand battles through three campaigns, and in the beginning of the first even with success. The war would have ended in the extirpation of the nation; at the utmost, despair would have driven the few survivors to a war, such as was still continued in the Vendée in 1795, in small bands and skirmishes. But after only a ten years' peace they again take up arms; they do not submit till after a final struggle which lasted ten years: and little more than forty years later, after the first Punic war,—in which Rome cannot have spared the population of her allies, and which made such havoc in the number of Roman citizens, that, notwithstanding the extension of the franchise to whole nations and many communities, notwithstanding their augmentation by the admission of allies and by manumissions, it amounted to only a few thousands more than sixty-five years earlier in the midst of a pestilence,—they still counted 76,000 country-people. These proofs of the fabulous character of the account are supported by the rational numbers of the year 449 (455).

On the contrary, even if one places the loss in dead and prisoners at an extremely moderate number, it remains perfectly mysterious, how it was possible for a people, whose country extended little more than a hundred miles in length and fifty in breadth, to endure a regular war, as soon as it was not able to prevent the hostile armies from penetrating into it, and turning the country almost syste-

matically and at their pleasure into a wilderness. If, as it appears, the country of the Pentrians was the real scene of the war, and its ravages reacht the Hirpinians more rarely, it becomes still more inconceivable, how the former alone could resist the Roman army in the campaign of 454 (460), and at first even gain great advantages [605]. It is, I think, something more than a mere probability, that the Samnites employed mercenaries; but where did they find the money for such an expensive war? By pointing out these riddles I do not mean anything more than to shew, that they press themselves upon one and cannot be solved. The real difficulties would not moreover be removed, if it should become clear at some time or another from historical sources not yet discovered, that the Samnites were not entirely forsaken in this war by the neighbouring nations. The Apulians fought with them, at least once [6]: but the Lucanians against them and the Peignians also [7]: on the other hand circumstances are not wanting to lead us to infer, it is true with great uncertainty, that at least some cantons of the Sabines assisted them [8].

As the Etruscans could neither make up their minds to submit nor yet trusted to their own strength, and sought by repeated truces to protract the war until stronger enemies might engage the power of Rome, so the Samnites, reckoning upon this lingering war with the Etruscans and upon greater success in their efforts to induce the Gauls to cooperate with them decidedly, could not dread the occasions, which necessarily led to a renewal

[605] Dionysius, Exc. legg. (p. 2334. R.)

[6] Livy, x. 16. [7] Livy, x. 30.

[8] The inscription in honour of App. Claudius says, that he took several Sabine places: Amiternum, which was conquered in 453 (459), may probably be considered as the Sabine town of this name: the Sabine war therefore evidently sprung out of the Samnite, as the Hernican and Æquian did from the former: and the expression of the Epitome XI, *Sabinis qui rebellaverant victis*, seems to suggest an earlier and open participation, which however was put an end to by a peace.

of the war. A peace, to which they had only made up their minds in order to preserve themselves for more favorable times, and which was even unbearable to those who had grown up and had experience in the unhappy times of war, must have become completely so, when Rome's soverainty became more firmly establisht and extended before their eyes, and this indeed, as it might appear to them, in consequence of their indifference in beholding and allowing it. Thus it is clear from the Fasti, that Nequinum was supported in its obstinate defense by Samnite auxiliaries.

If the Roman senate left this breach of peace unpunisht, because the danger of a Gallic invasion was threatening, it may have appeared to be the proper moment for venturing further and recovering the greatest loss, by which the peace was purchast: for gaining again the dependence of the Lucanians, for which an opportunity was offered in their party-divisions[609]. The Samnites invaded Lucania with an army, while they endeavoured to gain over other nations by treaties, but with such little success, that the Picentians accepted one which was offered them by Rome, probably on very favorable terms[10].

The ruling party in Lucania, unable to resist with their own power, determined, after the Samnites had conquered in several battles and taken many places, to put themselves under the protection of the Romans and obey their commands; and in order to accelerate the decision in their pressing danger, they caused their embassadors to be accompanied by the children of the most distinguisht families from all the towns as hostages[11]. The same thing probably occurred on this occasion, as happened in similar instances through the very nature of the case, that the hostages were chosen from among those who belonged to the opposition. The sought for treaty

[609] See above, p. 189.

[10] Livy, x. 10. 11.

[11] Dionysius, Exc. legg. p. 2328.

was granted by the senate and the people, and an embassy sent to the Samnite diet, which demanded the evacuation of Lucania: the right of demanding this seems certainly to have been given by the treaty, by which Samnium had recognised the supremacy of the Roman people, although the Samnites had not confined themselves to share the treaties and wars of Rome, and to renounce all independence in this respect[612]. The explanation of this demand, which saw in them only subjects of Rome, exasperated the Samnites so much, that they instantly resolved upon war and commanded the embassadors to quit Samnium. According to another account[13], messengers had been sent to meet the fetiales to warn them against entering any of the cantons, as the authorities of the country could not be answerable for their safety.

The Samnites had gained fresh strength[14] during the years of peace of which they had made good use, and the Lucanian victories had inspired their soldiers with proud confidence[15]. They therefore did not give up their conquests, although they opposed the army destined to complete them, to the far weaker one of the consul Cn. Fulvius, which was evidently intended to march to the assistance of the Lucanians. In this campaign Fulvius shewed great talents, and although its history has perisht, the single and isolated examples, which are preserved in the collection of Frontinus, how he gained victories under the most difficult circumstances, nevertheless deserve to be received into the history in their proper places. Livy says nothing more about this campaign than that he gained an equivocal victory in a brilliant battle near Bovianum, and then conquered this capital of the Pentrians and Aufidena. Now

[612] Dionysius, Exc. legg. p. 2330. 2331.

[13] In Livy, x. 12.

[14] ἡ τῶν Σαυνιτῶν ἰσχὺς πολλὴ ἤδη γεγονυῖα. Dionysius, p. 2332.

[15] The Samnite army was *successibus tumidus*: and this according to the expression, *commisso statim bello*, was at the beginning of the Roman war. Frontinus, Strateg. i. 11. 2.

it is to this battle that the account of Frontinus[616] is probably to be referred, namely, that the consul was opposed to a Samnite army very far superiour in numbers and confident of victory, while his own troops were expecting the battle with apprehension. To inspire them with confidence, he deceived the higher and inferiour officers by stating, that a Samnite corps had sold itself to betray its comrades, and to render this more credible, he borrowed from them all their ready money, under the pretence of completing thereby the stipulated sum. With this belief the Romans advanced confidently to the battle; and if the same rumour reacht the Samnites by deserters, it may have made them suspect the forein mercenaries and induced them actually to keep them away from the battle: in this manner a glorious victory was gained.

It is further in accordance with the natural order of the events to suppose, that Fulvius now, as he had probably proceeded from the district of Sora to Bovianum, marcht after the victory through Samnium to Lucania in order to deprive the Samnites of their conquests. On this march[17] his rear was hard prest by the enemy: a resolute general under such circumstances, in the midst of his own country and in such inaccessible districts, will not keep back a hostile army which is boldly advancing, but on the contrary will push forwards on its side. Now instead of sending ahead the mules, which carried the baggage, Fulvius made them form the rear, and the enemy fell upon the prey, which, as it appeared, had been given up in order to facilitate the escape of the troops. But Fulvius had ordered the legion which had marcht on, to halt and take post on both sides of the road, from which the cohorts broke in upon the Samnites, who were plundering in the hollow between, and put them completely to the rout.

[616] Strateg. I. 11. 2.

[17] Cum ex Samnio in Lucanos duceret: Frontinus, I. 6. 1.

On another occasion[618] the road led through the difficult ford of a river, which though not broad was rapid, and the Samnites followed continually skirmishing. Fulvius drew one legion aside close to the ford, and placed it in ambush among hollows and bushes. The other troops he led through the ford. Their small number doubled the ardour of the enemy: but when the greater part of the latter had followed them through the ford, the legion left behind on the other bank burst forth from their concealment, and this time too the stratagem succeeded perfectly.

Such a general deserved the triumph; only it is unaccountably surprising, that according to the Fasti Fulvius also triumpht over the Etruscans.

During this period the Samnite and Etruscan wars are so essentially connected, that the separation of their history, which in other cases is often distracting, would here annihilate the idea of the connexion, which is of more importance than an acquaintance with single occurrences. In the same year 448 (454) L. Scipio commanded the army in Etruria and fought a very hard contested battle near Volaterræ, which was left undecided by the fall of night: but the Etruscans owned that they were conquered and abandoned their camp and stores. The consul led the troops back to Falerii, chose this fortified place as his head-quarters, and, as the Etruscans appeared no longer in the field, ravaged systematically the open country. Villages and market-towns, whatsoever was not protected by walls, were laid in ashes: sieges were not attempted. The following year past by in Etruria in inactivity; both Roman armies could turn against Samnium: whether it was, that a truce had been purchast again by those towns, which had continued the war alone since the separate treaties of the eastern towns, or that the calamities of the war prest so hard upon them, that they dreaded to draw them again upon themselves.

[618] Frontinus, I. 6. 2.

No one would think of doubting the correctness of the sufficiently fair history of that campaign, if the total silence of the inscription on the well-known stone-sarcophagus of L. Scipio Barbatus did not necessarily raise doubts, not as to whether he carried on war in Etruria, but with what success. It is far more surprising to read on the other hand in the same inscription, that he conquered in Samnium Taurasia and Cesauna[619], subdued all Lucania and carried away hostages from thence. Still I would not at all infer from this, that he also carried on war in Samnium under his own consular auspices: for in this case how could he have been without a triumph after such deeds? He served there as legate in the following year under Q. Fabius[20]: and brilliant undertakings, conducted under the auspices of another, could not acquire him a triumph, though they secured him the remembrance of posterity.

The circumstances were so difficult, that the whole nation, when the consular elections came on, directed its eyes to Q. Fabius, the general most tried in fortune and skill. His election, as it is related, was opposed by the law, which forbade the reelection of the same person within the space of ten years: now as he had held his third consulship ten years before, this presupposes, that it was necessary for ten full years to elapse between two consulships. But the annalists must have overlookt the fact, that the very same obstacle would have existed the year after in the case of App. Claudius and L. Volumnius, and two years later in that of L. Postumius, where no exemption from the law is spoken of: and why should the law have been weakened in such times of war, for the purpose of enabling App. Claudius to be elected, who in his first

[619] The *campi Taurasini* evidently had their name from Taurasia: Cesauna is probably the Keraunilia of Diodorus (xx. 26.), which must make us still more cautious in seeking by violent alterations the names of very well-known places in the names, which occur in his history, but are otherwise unheard of.

[20] Livy, x. 14. Frontinus, ii. 4. 2.

consulship had not appeared in the field at all? It is therefore more probable, either that, as was the case in the Hannibalian war, those laws were altogether suspended, which prevented the election of him who appeared the most able: or it is a misunderstanding of a plebiscitum, which made Q. Fabius and P. Decius eligible again without any limitation, as must have happened in regard to L. Papirius Cursor, Q. Publilius Philo and C. Junius Bubulcus in the second war, unless at that time too all limitations which are perverse in such circumstances, were abolisht in general. But Q. Fabius may indeed, mistrusting fortune, which had hitherto been too favorable to him, and feeling his old age, which he forgot when afterwards the question was about saving the honour of his son, have refused the election and only yielded to the loud wish of the people, on condition that P. Decius, who had been his tried collegue in the consulship and the censorship, should be elected with him.

Both consuls led their armies into Samnium: Fabius by way of Sora into the canton of the Pentrians: Decius through the Sidicinian territory to Maleventum, undoubtedly with the intention of penetrating from thence into the revolted Apulia. The Samnites had united the forces of all their cantons against the former and concentrated them on the Tifernus. Fabius, who was as cautious as he was bold, escaped by reconnoitering, the danger of being surprised on his march in a deep valley; but when this plan was thwarted, the Samnites with no less resolution openly offered battle. This time too neither army made an impression upon the other: the Samnite infantry repelled the most determined attack of the Roman cavalry, which, when thrown back, brought its own infantry into danger: and a reserve, which Fabius, as was evidently his constant maxim, did not allow to come up till the first ranks had completely exhausted all their strength[621], would not have

[621] This maxim is certainly applicable against an army superiour in numbers, only with such exemplary troops, and when carried into

decided the battle, had not L. Scipio come down from the hills at the right moment with the hastates of the first legion, which he had led behind the hostile army unobserved by roundabout ways. The Romans themselves and still more the Samnites, when they saw Roman arms and standards glittering in the rays of the evening-sun, thought, that the fortune of Rome was at this very moment conducting thither the consul Decius with his army: and the belief, that the victory was now decided, actually decided it, before the mistake was discovered. The loss of the Samnites is stated at 3400 slain: the number of prisoners was at least 1320; twenty-three standards were taken.

P. Decius had found the Apulians encampt near Maleventum, and their army intended to guard the road into their country: he succeeded in inducing them to fight, and conquered them easily: they are said to have left two thousand dead upon the spot. Both consuls now traverst the unhappy Samnium for five months, and, since this country could scarcely supply materials for such devastation for so long a time, even if every thing was entirely swept away from the land, probably Apulia also, and all the districts in the neighbourhood that may have joined the Samnites. The eighty-six places, where Fabius had pitcht his camp, and the forty-five where Decius had pitcht his, were markt much more by the total destruction of all cultivation than by ramparts and trenches. Fabius conquered Cimetra, one of the Samnite towns which have entirely disappeared[622]: but if the conjecture exprest above is cor-

execution by a general, who does not allow the proper moment to slip for bringing up the reserve. When carried into execution it also affords the means of rendering the victory complete over a more numerous army which has been defeated, a thing which is otherwise impossible. It is something quite different from sparing a part of a numerical preponderance for the purpose of making an attack complete.

[622] When *mille ac* so many hundreds is written in figures in the manuscripts with uncial letters and words not separated from one an-

rect, L. Scipio conquered Taurasia and Cesauna in Samnium and subdued Lucania in this very year, or while he held the command as proconsul in the year following and helpt the Roman party in Lucania to obtain the ascendency.

The history of the following year 450 (456), of the consulship of App. Claudius and L. Volumnius, Livy found related with such discrepancies in different annals, that he ascribes indeed to P. Decius as proconsul the conquest of three Samnite towns, but along with this does not venture to reject the statement of others, some of which attributed two of these conquests to Q. Fabius, others all to the new consul, and others again to L. Volumnius alone. But this he did not perceive, that his supposition, that Q. Fabius and P. Decius had remained with their armies in Samnium, while Volumnius had marcht to Etruria, is contradicted by the circumstance of the legions, with which

other, then *ac* is not separated from the C following by a point: e. g. ∞ACCC for *mille ac ducenti*. (I take the example from the manuscript *de re publica*, II. 20.) Hence it arose, that the later copyists, who either did not know or overlookt the sign for a thousand, left it out and in quite an absurd way, e. g., according to the above example they wrote *a* CCC. Such has been the case with the number of the prisoners in the battle on the Tifernus, and of the slain at Cimetra, where the best manuscripts instead of *ad* CCCXXX read *a* CCCXXX, and instead of *ad* CCCCXXX, *a* CCCCXXX. In both cases the sign for a thousand, one or more, is wanting before *ac*; and as we cannot know this, there should only be a mark in the editions to indicate that a word has fallen out before *ac*. In the same manner the Cod. Lugd. I. gives in X. 15. 6. with perfect correctness *duo millia ac* CCC. Compare on VIII. 19. 14.—The reader will pardon me, if for want of a suitable place I here remark, that *Maximum Fulvium* (X. 14. 10.), which is in nearly all the manuscripts that have been compared, is certainly quite correct: he would thus be a son of the consul Cn. Fulvius, who bears in the Fasti the surname of *Maximus*. *Maximum filium* in the Florentine manuscript is a false alteration of the old emendator, which is easily explained, just as *M. Fulvium* is of a modern scholar in the fifteenth century, who overlookt the fact, that even Livy sometimes places the surname before the gentilician, instead of the individual name.

the new consul marcht out of the city, being designated by the numbers one to four: whereas, if two consular armies had still been under arms, their legions would have had these numbers, and those newly formed the four following. And how absurd would it have been to keep those legions together, when there was less want for them, and to disband them afterwards, when the danger was threatening!

It cannot be doubted that the proconsular command was given to the two consuls of the previous year for six months: and the simple narrative, that Fabius as proconsul put an end to the internal feuds in Lucania in favour of the optimates and for the interests of Rome, seems deserving of all credit. To whom the glory belongs of having conquered the three towns Murgantia, Romulea and Ferentinum,—of which the situation of the second alone can be fixt with some certainty on the frontier of Apulia,—cannot be decided in any way: whereas it admits of no doubt at all on account of the numbers by which the legions were designated, that the consuls led back their legions to the city and disbanded them, and that the new consuls formed fresh ones. Now owing to the above-mentioned uncertainty we can make no application at all of the account respecting the circumstances of that conquest, which circumstances, apart from the strikingly exaggerated numbers, after all only spin out the simple statement, that all three were taken by assault, and the booty sold to the traders who followed the army, that it might not be overladen with baggage. But however little can be positively stated here, it may nevertheless be a correct conjecture, that the three places on the mountains, which are said to have been conquered by L. Volumnius[623], are no other than those three towns, and a statement deserving of the highest attention justifies the inference, that both consuls had marcht first to Samnium with the new legions. We

[623] Castella: Livy, x. 18.

may certainly call those historical inscriptions worthy of the highest attention, which have been considered by many as apocryphal without any reason, but concerning which competent critics are now agreed, that most of them come from the age of Augustus and the bases of statues in his forum, though nearly all of them have descended to us only in copies. Such an one says of App. Claudius that he took several towns of the Samnites, Sabines and Tuscans[624]: and thus it follows from the same simple statement, that, on the arrival of the news that the war in Etruria was breaking out again, he hastened to Etruria from the north of Samnium by the most direct road through the country of the Sabines: and that he took some Sabine places on his march, which had deserted to the enemy. The most urgent circumstance which led to this determination was the certainty, that the Samnites were ready to carry into execution the great plan, which they had only given up in the last war because the most important Etruscan cities had withdrawn and concluded a hasty peace. They were now resolved to send an army into Etruria, paid and provided for by themselves,—so that they might not excite the very usual aversion against obtaining indispensable foreign help by having to contribute heavily for its support, since the envious and vain rather give up every thing to the enemy,—and during this time, when every thing was at stake, rather to endure every thing in their own country, which the troops that were left behind, a general levy, and the inhabitants of the fortified places might not be able to ward off. This army was commanded by Gellius Egnatius: perhaps we ought not to regard it as very strong, although at the same time it must have suffered severely especially in the battle of Sentinum, since only five thousand effected their retreat into Samnium. Livy's expression, that P. Decius at last drove the army out of Samnium, disfigures this great event, as if that,

[624] In Pighius, ad a. 561. 1. p. 400.

which, though it failed eventually, was one of the greatest thoughts known in ancient military history, greater even than Scipio's expedition to Africa, had been a resolution of helpless despair, like the emigration of the Vendeans across the Loire. It was not in this way that Egnatius appeared in Etruria, and in Samnium an army remained behind which was not idle.

The arrival of a Roman army prevented some Etruscan towns from declaring with the rest against Rome[625]: this shews that the Samnites did not reach Etruria till afterwards. It is indeed doubtful, whether all the Etruscan nation now took up arms: of the Aretinians at least it is doubtful, since they obtained Roman succours against the Gauls in 463 (469), when the Etruscans who were not yet subdued, were carrying on the war with Gallic mercenaries, and if the Cilnians were not expelled, they may not have allowed the town to abandon Rome, by whose influence they were maintained. But Perusia had broken the truce, and Clusium too took part in the war[26], like Volsinii and Rusellæ[27], and in general all which had observed it until then. The neighbouring tribes of Umbria also joined them, and an army of Gallic auxiliaries was sought at any price. A resolution, which the presence of another power was necessary to induce the Etruscans to adopt, since the conquest of the Romans by the arms of the Gauls must inevitably have been followed by their settling on the Tiber and sooner or later by the subjugation of Etruria.

App. Claudius had marcht into the field with two legions and twelve thousand allies: L. Volumnius had besides the legions fifteen thousand allies: by them are to be understood the contingents of the isopolitan communities as well as those merely allied by treaty. The former was scarcely able to resist the united and constantly increasing army of the enemy; single engagements were unfortunate, and his situation became alarming. Now

[625] Livy, x. 18. 5. [26] x. 30. [27] x. 37.

whether he demanded reinforcements of his collegue, or whether the latter resolved without receiving such a demand to follow the army of Gellius Egnatius, was disputed in the annals: a third supposition is perhaps the most probable, that the senate ordered it. All accounts appear to have agreed, that App. Claudius regarded his arrival as an arrogant intrusion, and required L. Volumnius to return forthwith to his province. The latter resenting the insult made preparations for his departure; but the whole army, which had welcomed him as its deliverer, conjured him to regard the common weal of more importance than the contemptible disposition of his collegue. He yielded and hastened to bring the enemy to an engagement; for his absence afforded the Samnites an undisturbed opportunity of avenging the devastation of their country by ravaging that of the Romans; he succeeded in this; and his victory was rendered easier by the accidental absence of the Samnite general with a part of his cohorts. When the latter arrived on the intelligence that a battle had commenced, the allies,—there were only the Samnites and Etruscans left,—were already driven back as far as the camp, and the disorder had already become so great, that the day could not be recovered. Even the camp could not be maintained; and though the loss of the allies may perhaps be exaggerated, still an important victory is attested, partly by App. Claudius dedicating a temple to Bellona in consequence of a vow made on this day, and partly by Volumnius being able to return to Samnium and leaving the army in Etruria, confined, it is true, to the defensive, but yet enabled to maintain itself in this way.

A hasty return was absolutely necessary, as the Samnites had availed themselves of his absence to invade Campania and the country around the mountains of Vescia. Conquests were not well possible, especially where colonies of the Romans had to defend their own existence; but a great number of country-people, who had been surprised in unprotected places, had fallen into slavery, and an immense

booty was collected and carried away all, the more carefully, as it might be at least a partial indemnification for the loss which Samnium had suffered in moveable property. When Volumnius had reacht Cales by a forced march, the enemy were encampt on the Vulturnus and intended departing on the same night in order to bring their booty in safety into Samnium, and then returning with an unincumbered army. Without allowing his soldiers any rest, he led them up to the camp unsuspected by the enemy and before the hour fixt for their departure. The prisoners with the remainder of the booty had already been sent forward on the road before dusk with no stronger guard than seemed necessary against the country people; the soldiers had for the most part already broken up from their camp, when it was stormed by the Romans, and the long and awkward train at the same time attackt. While the Romans prest in upon them from all sides, the prisoners freed and armed themselves, and carried away with them the Samnite general Statius Minacius himself. The Samnites thus surprised must have been severely defeated; 7400 were delivered from slavery, and the booty which had been carried off was recovered with ample interest. This splendid victory enabled Volumnius to allow his troops some rest, and to go to Rome to attend the elections. As these were close at hand and still continued at this time not to be held till the close of the consular year, which began at the earliest in January, it was consequently the season, in which the mountains of Samnium are covered with snow, and the plains of Terra di Lavoro, warm and sunny as in the spring, admit of any kind of military undertaking, from which however the enemy were now deterred by fear.

At Rome the expedition of the Samnites towards the Liris had excited the greatest terrour: if, as in the preceding war, the subjects revolted, the war might easily come right up to the walls of the city, and then it would be impossible to keep off the Gauls at a distance in the country of the enemy. The senate did not conceal from itself that

it might become necessary to defend the very city; with this view all citizens, without distinction of rank, without regard to privileges and age, provided they could carry arms, were armed and organised. The prætor P. Sempronius, a man tried in war and peace, had the command, and for eighteen days all business was suspended. The victory on the Vulturnus disperst immediate apprehensions, and was very joyfully celebrated with general thanksgivings.

In order to close the country on the Liris still more securely, the foundation of two colonies was ordained and quickly carried into effect: Minturnæ near the mouth of the river and Sinuessa close to the hills of Vescia[628]. It was either the situation which decided, that civic colonies should only be founded here, or it was done, because even Latin ones did not appear quite so trustworthy in such an important district; but the colonists were obliged to be prepared for constant dangers of war, till Samnium was subdued, and the position of Minturnæ was unhealthy close upon marshes: and the very great privileges which were offered[29] scarcely induced a sufficient number to go as colonists into one of the most fertile districts in the world.

The elections of the year 451 (457) were decisive for Rome and the history of the world: but they were not doubtful either; for the whole nation unanimously acknowledged, that Q. Fabius was the general destined by fate for the most threatening crisis, into which the republic might come in regard to her forein enemies: and he himself only

[628] These hills are no others than those between S. Agata and the coast, on the continuation of which that little town is situated: and indeed on or near the position of the ancient Sinuessa. Every one knows that there are near S. Agata the most distinct traces of an ancient town: one might say that it is the forgotten Vescia: but Sinuessa lay on the Appian road, the direction of which is beyond doubt. One errs by confounding this town with its sea-baths, and in addition to this persons will perhaps also be staggered, if they are to think, that a *colonia maritima* (Livy, XXXVI. 3) was not situated on the very sea. (Compare above note 253.)

[29] Livy, XXXVI. 3.

found courage enough to accept this fearful honour, on condition that P. Decius should share it with him. App. Claudius was confirmed in the command as pretor[630], L. Volumnius as proconsul: L. Scipio, Cn. Fulvius, L. Postumius, who are called propretors in the history of the campaign, assuredly received this dignity also from the senate and people.

The Gauls, whose approach was expected, were certainly not only those who were already settled, but such as had been attracted by the offer of pay and the hope of booty and rich settlements, consisting of many thousands, partly adventurers and partly those who had been hunted up from various quarters, who without any fixt abode traverst the countries from the Alps to the Black Sea. As these innumerable hosts of enemies drew near, all signs apparently marvellous were observed with anxious solicitude. A brazen statue of Victory in the forum was found standing upright by the side of its pedestal, and from the altar of the Capitoline temple there welled forth on three successive days first blood, then honey, and at last milk. An aruspex calmed the affrighted city by explaining, that the goddess of Victory standing upright on firmer ground, with her face turned and pointing towards the country whence the enemy was expected, was a favorable sign: that the blood which had welled forth indicated victory, because sacrifices would then be offered on the Capitol as thanksgivings: but that the honey and the milk signified pestilence and famine, because honey was given to the sick, and the food of cattle served for the food of men in famine[31]. To propitiate the

[630] Here his knowledge of the law and his eloquence (x. 22. 7) did not come into consideration. One does not conceive how an ingenious writer could thus go astray. But on occasion of these comitia the rule indeed appears to have been establisht, that for the future one of the consuls laying down his office became pretor, and this may have been the reason for mentioning expressly the election of App. Claudius.

[31] Zonaras, VIII. 1. The uninitiated, one should think, would

gods and deprecate the danger, two days of general prayer were ordained, and to enable every one to take part therein, wine and incense were distributed.

In this year, the fifth consulship of Q. Fabius and the fourth of P. Decius, Rome with her own means and those of her subjects made preparations to an extent she had never done before. The four legions of the preceding year had remained during the winter without being disbanded[632], and were now completed. Q. Fabius led to Etruria four thousand foot-soldiers and six hundred horsemen. Then two new legions were raised, and two reserve-armies formed besides probably of the city-militia and the allies. The subjects furnisht still more numerous troops than Rome herself: the Campanians alone sent a thousand horsemen[33]; as the Gallic cavalry was extremely numerous and formidable, the Romans strengthened this force far above the number usual in their armies. They must have had during this campaign at least ninety thousand men in the field. A consular army under Volumnius must have remained stationed against the Samnites and strong enough to act on the offensive: the others were arrayed against the Gauls, the Samnites of Gellius Egnatius, the Etruscans and Umbrians.

It was not in all the annals that Livy found mention of the discord, which, as he circumstantially and eloquently relates, arose between the consuls as a party-dispute of the

have regarded these miracles as a sign, that after a bloody war there would follow times of happiness, in which milk and honey would flow. But those who manufactured the interpretation, were perhaps frightened by the circumstance, that the breeding of bees and cattle was common among the Gauls; as if it were indicated, that after the streaming of blood these would prevail in the Roman territory instead of agriculture.

[632] What is certain of the army under App. Claudius, is probable of the army under Volumnius, even for this reason, that his command was prolonged and that he did not triumph: still the third and fourth legions changed the corps, to which they were assigned. Livy x. 18 and 27.

[33] x. 26.

estates, as to whether the Gallic war was to be entrusted to Fabius without the decision of the lot[634]. It would be in the highest degree lamentable, if we were obliged to believe this account: if that quarrel were historically establisht, and in like manner the unconditional submission of Decius to his collegue subsequently[35]; the latter after the death of his injured friend under such circumstances could never have got over the reproaches of his conscience for having given such a shock to a strong friendship. But fortunately it is easy to demonstrate that it is an idle invention, which can have found at most only an insignificant foundation to build upon. The two legions, which were newly formed, could not possibly have any other destination, than either to march to Umbria, or to take the place of the army of the proconsul L. Volumnius, that the latter might be added to the main army. Fabius must have been a madman, if the thought could have occurred to him of carrying on such a war with about 20,000 men. But neither he nor the senate thought so foolishly: this is proved by the formation of two armies of reserve.

It was yet winter when the consuls entered upon their office, and as the Apennines, which it was necessary for the Gauls to cross, are often still covered with snow, when spring is already budding at Rome, and consequently the Transalpine Gauls could not descend into Italy till later, it was therefore only a reconnoitering excursion, when Q. Fabius immediately after entering upon his consulship led to the army of App. Claudius the troops which had been levied to complete its number. The army was posted near a place Aharna[36], strongly protected by trenches and a double line of palisades. Fabius met a detachment which had been sent out to gather brushwood, and commanded it to return and pull up the palisades. This scorn of the fear, with which matters

[634] Livy, x. 26. 5. [35] Livy, x. 26. 4. [36] Livy, x. 25.

had been conducted until then, inspired the soldiers who had become timid, with confidence and new life. To free them completely from the recollection of their pusillanimity, he no sooner had arrived in the camp and dismist App. Claudius, who was also his political enemy, than he ordered them to break up the encampment: and well knowing that an inactive standstill also injures the health of the soldiers, he caused the army to occupy new positions incessantly after moderate marches: he who had commanded the palisades to be torn up surely never occupied unfortified positions. After the commencement of spring he gave the command to L. Scipio and went to Rome, where meanwhile P. Decius had continued the preparations, which were to preserve the existence of the Roman name.

As the Gauls might penetrate through Picenum, a legion was stationed near Camerinum [637] in order to defend this pass in conjunction with the Camertians, trustworthy allies, who had to save their own existence. The Umbrians bordering on Etruria were in arms against Rome; and thus it is clear from the circumstances themselves, that the consul left the rest of the army somewhere between Nocera and Foligno, where it might stop the enemy, when they came up on the main road. When the whole force had assembled, which Rome could send into the field, the two consuls led the main army to join the troops, which had been left under L. Scipio facing the

[637] Polybius, who otherwise knows Clusium and the Clusinians very well and mentions them, speaks (II. 19) of the annihilation of the legion ἐν τῇ Καμερτίων χώρᾳ: Livy errs, because he remembers at an improper time that Clusium was called Camars in Etruscan. But the Clusinians were among the enemies of Rome (X. 30. 2), and the town, near which the legion was destroyed, was friendly, as the soldiers when attackt retreated towards it in order to protect themselves (X. 26. 8). And if the Gauls had conquered near Clusium, the Romans could in no way have advanced across the Apennines and as far as Sentinum: the former would then have marcht against Rome itself.

enemy. An army of reserve was encampt on the Vatican hills, another was posted in the country of the Faliscans, where it maintained the communication with the main army, and protected the passage across the Tiber to Otricoli and the road from Umbria.

L. Scipio's tomb brings him personally nearer to us than any of his contemporaries, and our eyes are fixt upon him with a partiality, such as attaches itself to the deeds of particular officers in wars which we have seen ourselves. The praise of the sepulchral inscription, that he was brave and wise, is confirmed by the fact, that he was able in the face of such superiour forces to maintain his position with the advanced guard at such a distance from Rome, when it was of importance for the success of the campaign that he should do so. He had not indeed been able to prevent a great calamity, which befel the legion stationed near Camerinum. The Gauls had overwhelmed and surrounded it, and cut it down to the last man. Idle tales, to which Livy himself on this occasion refuses his belief, not only softened down this defeat into a loss which a foraging detachment suffered from the Umbrians, but even made up for this by stating, that L. Scipio, hastening in time to their help, defeated the enemy and recovered from them the prisoners and the booty.

The cavalry of the Gauls, which was immensely numerous, spread over Umbria when the pass had been forced, and cut off the communication of Scipio's army with Rome, so that the consuls remained ignorant of the defeat till the barbarians galloping up to them exhibited in triumph on their horses and lances the heads which they had severed from the bodies. At this sight it was believed that the whole corps was destroyed, which had been left behind. Where the Romans joined one another is unfortunately unknown: it is a painful loss not to know by what skill the Roman generals effected this, and avoided a battle which they

could not yet venture upon. We only know that the allied armies kept themselves separate, that the Etruscans and Umbrians encampt apart from the Gauls and Samnites. Vanity respecting the supreme command may have produced disputes which saved the Roman army.

L. Volumniûs had in the meantime kept the Samnites engaged in their own country and had conquered on the Tifernus. That the consuls, when they were able to estimate the whole extent of the danger, drew his army also near them and were resolved to decide every thing by a battle, as some annals said[638], is confirmed partly by the expression of Polybius, that all the legions were engaged near Sentinum[39], and partly by the fact that the Samnites again penetrated into the district of Vescia and even across the Liris into that of Formiæ; which would have been impossible, had not the Roman army been withdrawn. Volumnius could without any obstacle join the main army in a few marches from the country of the Pentrians by way of Sulmona and Antrodoco; it was just because he had penetrated into the heart of the enemy's country, that the Romans had obtained the incalculable advantage of being able, if necessary, to assemble all their forces by the shortest roads.

When the junction of the three armies was effected, and the enemy's forces, perhaps expecting fresh reinforcements, still continued to defer the battle, the consuls began to make preparations to act on the offensive by advancing across the Apennines as far as Sentinum, leaving the enemy behind by a side-march. From this point they threatened the country of the Senonian Gauls, who hastened back, as it appears, in order to protect their open villages, and compelled the Samnites to follow them. It would however have been blind presumption to penetrate so far without securing the communication with Rome: hence Cn. Ful-

[638] x. 30. 6.

[39] *συμβαλόντες πᾶσι τοῖς στρατοπέδοις*, II. 19. 6.

vius received orders to advance as far as Assisi [610], and L. Postumius to succeed to his position near Falerii with the troops which were encampt upon the Vatican [41].

From Assisi Cn. Fulvius could lay waste the neighbouring part of Etruria, and also at the same time prevent the Samnites, if they followed Volumnius, from appearing in the rear of the main army. The preparations for the defense of Rome must now have been completed, so that, if the Samnites had advanced through the Æquian mountains, the city would have been able to protect itself. The obedience of the subjects, which otherwise a Samnite army might easily have shaken, was secured by the unusually great number of their own men who served in distant countries in the Roman armies, and thus were a security like hostages: with the exception of those who called in the fearful assistance of the barbarians for their self-preservation, all the other Italian nations were, on the whole, obliged to regard the Romans just now as the defenders of their existence.

[610] See Oudendorp, second edition, on Frontinus, Strateg. i. 8. 3. This reading of the manuscripts agrees excellently with the locality: from Assisi the Roman corps could ravage the territories of Perugia and Chiusi, and, if it was hard prest by superiour numbers, could withdraw to an extremely strong spot, which lies directly on the line of communication between the main army and Rome. An operation against Chiusi would have been building a castle in the air; the only possible retreat would be to Civita Castellana, and then the main army would have been cut off. As Frontinus, though not always it is true, but nevertheless generally, follows Livy's accounts, the name Clusium in Livy (x. 27. 5) perhaps got into the manuscript, to which all those of the first decad may be traced that have been hitherto collated, either by a mistake of the copyist or a wrong alteration.

[41] Livy and Frontinus too state indeed, that both the armies of reserve advanced, but the former makes it advance towards Chiusi, the latter towards Assisi. But in the first place Fabius was probably not so inconsiderate as to leave at the same time the passage across the Tiber and the Roman territory unprotected, and secondly Livy himself speaks afterwards (x. 30. 1.) of Cn. Fulvius alone as having laid waste Etruria and fought against the Perusinians and Clusinians.

These are in a few words the excellent ideas, which contained within themselves the germ of a great number of splendid results: there is scarcely any examination more full of enjoyment than to discover the fundamental ideas of great generals and statesmen from their actions, and then to follow them up through the various stages of their development. While Q. Fabius threw into confusion the previously unsafe plan of the enemy, — who with all his want of a systematic plan was still highly formidable by his masses, — and threatened the hostile part of Etruria, and at the same time removed the main scene of the war from these districts, he also gained this advantage, that the Etruscans would not allow themselves to be constantly drawn further from their own country which was threatened, and set out for its defense. Meanwhile it must be doubted, whether they and the Umbrians had taken no part at all in the battle, since both nations are mentioned in the Fasti among those which Fabius triumpht over.

Another advantage arose from the decisive contest being fought near the frontier of the Gallic territory; the Romans dreaded the fury of their despair in case they should see their retreat cut off, and voluntarily opened to them roads for their escape[642]. To give them such a repulse that years would elapse before they could be induced to renew their undertaking, was the highest success the Roman generals could aim at.

They had learnt from deserters, that the plan was for the Etruscans and Umbrians to attack the Roman camp, while the Gauls and the Samnites fought the battle; and so soon as the movement against Perusia had accomplisht the object of drawing thither at least the main force of the Etruscans and Umbrians, they made use of the favorable moment for bringing the matter to a decision. For two days they provoked them to battle in vain; on the third the allies came forward into the field. The

[642] Frontinus, Strateg. II. 6. 1.

Gauls formed the right wing, the Samnites the left: as the former must have many times surpast the latter in number, the Etruscans and Umbrians who had remained behind, were necessarily stationed with the latter. Q. Fabius as the older consul had the place of honour on the right wing against the Samnites, P. Decius was opposed to the Gauls. As Volumnius in Livy's narrative is supposed to be engaged in Samnium, it is only the necessity of extending the front of the army so as to be equal, as far as possible, to that of the enemy, which allows us to imagine, that he too was opposed to the Gauls on the right of P. Decius. When both armies were standing in battle-array in the plain full of expectation, a wolf chased a hind from the mountain between them. The affrighted animal fled to the Gauls, who struck it down with their darts: the wolf turned towards the Romans, and through the intervening spaces of their batallions ran again to the wilds, greeted by the joyous shouts of the soldiers at the appearance of the animal sacred to their protecting deity and the founder of their nation.

It was summer time[613], and even the Gauls who lived in Italy, became exhausted under the scorching sun on a day of battle, but the Transalpinians far more. On the other hand the Roman soldier was trained with especial care to endure heat and exertion: and though the Samnites were little inferiour to them in perseverance, still they did not come up to them completely. Fabius, as usual, demanded of his front line to wear out the enemy, who were rushing on with all their forces, by receiving their attacks immoveably: as usual, he wisht to decide the victory or avert a defeat by a very strong reserve. Decius facing an enemy, whose first attack, even if he had been less superiour in numbers, excited terrour, did not think that he ought to wait for him and still less to meet him with only a part of his forces: he might succeed in throwing the irregular hosts into confusion and driving them against one

[613] Fabius triumpht on the eve before the nones of September.

another. But the undertaking failed: the Gallic horse broke in upon the Roman foot with a great host: the Roman horse drove them back twice: at the third attack they were still fighting with success, led by the consul himself, when horse and man were terrified by the appearance of the war-chariots which they had never seen before. The flying cavalry threw themselves upon their own infantry: the pursuers prest on irresistibly into the crusht and broken ranks: the flight became general, and human means were no longer able to avert a complete defeat. The consul Decius prepared for such a fate, had not allowed the pontiff M. Livius to leave his side. When death was on every account the most desirable fate, when his words were no longer listened to, when the current threatened to carry him away also, he ordered himself and the hostile hosts to be devoted to death. "Before me," he added to the words of the formula, "before me terrour and flight, blood and death, the anger of the celestial and the infernal gods! By me the horrours of corpses upon the standards, the armour, the weapons of the enemy"!—He spurred his horse into the thickest hosts of the enemy and fell. From this moment the fortune of the day turned[644]: the Gauls stood amazed around the corpse: the Romans rallied and turned, encouraged by the words of the pontiff, to whom Decius

[644] He who does not absolutely reject the reality of miracles in Roman history as nonsense, might console himself for the scorn of others with the opinion of Dante; and the battles of Vesuvius and Sentinum are of such decisive importance for the history of the world, that the idea of attributing a miraculous power to the expiatory death of the Decii, contains at least nothing unworthy. Zonaras, who ridicules the circumstances of this battle, would doubtless have believed firmly in the miracles mentioned in the dialogues of Gregory the Great, how a lamp filled itself with oil of its own accord, that the negligent but devout friar might not get whipt. As a general rule, he who does not look down upon the superstition of the Romans merely with contempt, certainly acts safest in not believing too much, which would at least here be the worst of all. There will not be wanting superstitious hypocrites to rise up, who will demand belief for all the prodigies.

had surrendered the lictors and the command: the victory was purchast for them by the propitiatory death of Decius: the enemy's army was forfeited to earth the mother of all and the gods of the dead. The reserve under L. Scipio and C. Marcius, sent thither by Q. Fabius, found the Gauls prest together in an enormous mass, protecting themselves behind their shields: the Roman commanders ordered the pila to be collected from the field of battle and hurled against the crowd, where none miss and the rude shields could not resist.

Meanwhile the moment had come, when Q. Fabius perceived exhaustion among the Samnites: he immediately ordered the second line to advance and the cavalry to charge the flank of the enemy, who were as usual destitute of this force. Had not the Gauls carried on the battle like barbarians, they would have despatcht at least a part of their innumerable cavalry to protect their fellow-soldiers. The eye of Fabius had chosen the very minute, when a vehement shock could break the tottering mass. The Samnites quitted their ranks and fled to the camp, while the Gauls heaped together in one immense mass allowed themselves to be cut down without moving from the spot[645]. The first beginning of any movement in such a mass is the beginning of irrevocable confusion and flight. Fabius pursued the Samnites with as much energy and vehemence as he had waited with perseverance for the decisive moment. The pursuit carried him past the back of the Gauls, upon whom he threw five hundred Campanian horsemen and a part of the infantry: from this moment the battle became only a revengeful massacre of the flying. Fabius himself had followed the Samnites so quickly, that he reacht the fortified camp, before they could enter it and save themselves. In this last struggle the Samnite imperator Gellius Egnatius fell, happy in not surviving the unhappy issue of his great undertaking: the camp was then taken. The body of Decius was not found till the following day among

[645] As at Zorndorf and Austerlitz.

the heap of slain, and was magnificently buried: the arms of the enemy were burnt as a sacrifice to Jupiter Victor in accordance with a vow of the conquering consul. This time the numbers given in Livy have nothing fabulous in them: for here, too it appears, that the records of the Fabian house preserved historical truth, as far as is possible in such statements; and that it only depended upon Livy whether he did not prefer the foolish fancies of silly fabricators to the historian who belonged to this house. That of the Gauls and Samnites 25,000 should have fallen and 8000 been made prisoners, has nothing at all incredible in it: the statement, that of the left Roman wing 7000, of the right 1200 should have fallen, just as little so. Other annals probably stated enormous numbers, as they did for the whole of the allied forces against which the Romans fought, and even contemporary Greek writers exaggerated the loss of the Gauls, and all the more, as it was a consolation to them. Duris related that a hundred thousand were slain[646]. The whole number of the armies of the four nations was, as Livy says, stated by some annals with such exaggerations as to surpass all belief. The numbers in his text, however, even in the best editions, instead of being exaggerated, are small and by their minute accuracy ridiculous: not indeed through his fault, but through that of stupid emendators, who have been at work even in the manuscripts. Instead of 40,330 foot soldiers and 6000 horsemen, he had in all probability ten times a hundred thousand foot and certainly 46,000 horse: the number of war-chariots was stated at a thousand. Even two ordinary consular armies (and the same annals supposed that three were assembled) would have been superior in numbers to that infantry: and how can we conceive of any annalist being so foolish as to mention the hundreds and tens in such armies?[47]

[646] Diodorus, Ecl. XXI. fr. 11.

[47] Livy, X. 30. 4. Superjecere quidam augendo fidem: qui in

A victory purchast so dearly could not be followed up: thus it is conceivable, how the surviving five thousand Samnites could effect their retreat. They must have past round the Roman army, while it was resting, on the right flank; such a march of more than a hundred and fifty miles, under such circumstances, through a country, whose inhabitants, though a part of them were not decidedly hostile, must have been exasperated by the grievances inseparable from the former passages through it, is however one of the

hostium exercitu peditum quadraginta millia trecentos triginta, equitum sex millia, mille carpentorum scripsere fuisse: scilicet cum Umbris Tuscisque, quos et ipsos pugnae affuisse. — Thus the text has stood since the time of Sigonius, who in accordance with his manuscript first struck out the number XL before 6000 where the horsemen are spoken of, and this number is also found in other bad manuscripts, which agree throughout with his own. The number of the infantry is found in the manuscripts, as well as in all the editions, with the exception of the Florentine and the Klockian. The former has *peditum* X.CCC.XXX, the latter XICCCXXX. A single horizontal line is wanting to make the latter XLCCCXXX; and how could copyists have erred, who did not think themselves so very much bound to apply such an easy remedy to a number, which, as they read it, was altogether absurd? For at all times every copyist, unless he did not think at all, conceived that 11,000 men was an insignificantly weak army. But the fact is that the I is only a slip of the pen instead of L. To be brief: the Klockian manuscript has no other mistake, than that it has I instead of L, and places it only three figures too far to the left, and the Florentine, that it omits it: it should be written X.CCC LXXX. This signifies according to the system of writing numbers in very ancient manuscripts 1,000,000. Respecting this mode of writing Pierius Valerianus quoted by Gruter on 2 Verr. II. 57 is an express testimony, and all the more valid, as he was very well acquainted with manuscripts of the highest antiquity. — A million is an impossible number! This is quite certain; but does not Livy himself say, that it surpasses all credibility? The 46,000 horse are also an immense exaggeration; but to such a monstrous number they are just in proportion: and indeed the editors of the text, notwithstanding their much better manuscripts, have allowed the alteration of Sigonius to stand, only because it exceeded the number of the infantry. Those who spoke of a 100,000 dead must surely have believed in an army of at least several hundreds of thousands.

finest enterprises of its kind, and its glory is not diminisht by the retreating army losing a thousand men in the country of the Pelignians. Here too they broke through and reacht their goal.

About the time of the battle near Sentinum Cn. Fulvius had ravaged the territories of the Perusinians and Clusinians, and beaten the Etruscans who were protecting them. As the Gauls in their own country were yet beyond the reach of the Romans, Fabius led back the army over the Apennines. Volumnius was obliged to hasten across the Liris against the Samnites: thither also was sent under App. Claudius all of Decius's army that was still remaining. The civic legions and the subjects who had been added to them, were sent home and disbanded: the service in the field was just as oppressive to this militia, who were withdrawn from the labours necessary to their support, as they were indispensable to civil life. Fabius himself crowned this campaign by an incursion into the territory of Perusia, where he defeated the Etruscans in a bloody engagement and took many prisoners, whose ransom enricht the war-treasury. Such a ransom leads us to infer a truce. Hereupon he solemnised in the first days of September the triumph over the Gauls, Samnites, Etruscans and Umbrians [618].

The Samnites in the meantime had penetrated with an armed force partly on the Liris in the direction of Vescia and across the river towards Formiæ, and partly into the valley of the Vulturnus [49]; and when the exhaustion of

[618] If we could slavishly follow Livy, it would be necessary to suppose, that he returned after the triumph to Etruria. But according to his own statement the Decian army remained in Etruria (x. 30. 8), and was at the same time sent into Campania (x. 31. 3). Livy puts together at random what he found recorded separately in the annals. According to my arrangement of the occurrences Fabius could triumph over all the four nations, as he actually did: all is connected and consistent: and with what troops would he have returned to Etruria, as the legions were disbanded after a triumph?

[49] It is beyond doubt that we ought to read in x. 31. 2, *quaeque*

the country left them nothing more to devastate and L. Volumnius and App. Claudius approacht, they united their forces in the Stellatian district, which probably was not far from the present Capua. Here a battle was fought, of which Livy only says that an enormous number of Samnites fell [650].

That this battle, though it may have some historical foundation, ended by no means in such a frightful defeat, is in truth clear as day from the history of the following campaign 452 (458), though it is indeed inextricably confused. The strength of the Samnites was no more exhausted than their courage was broken, for they prepared three armies for the field, and undeterred by the unhappy issue of the previous campaign made preparations for sending one of them again to Etruria [651]. The possibility of conquering Rome lay in the prospect of the war becoming formidable there; the pestilence, which was raging among the Romans, seemed to offer favorable circumstances for perseverance, and the Samnites spared themselves no exertions, because they were too severe. It was perhaps only the separate peace, which some of the principal towns of Etruria concluded, that frustrated the execution of this plan.

Respecting the occurrences of this campaign Livy

—*adjacent*, which Gronovius approves of: but *Aesorninum* is incorrect geographically, nay impossible, if we are to think of the Æsernia, which lay in the heart of Samnium. It would therefore be necessary to suppose that there was another in the Sidicinian territory, or a district Æsernium (like Samnium) according to the Florentine manuscript. In most manuscripts the name is monstrously miswritten, yet in such a way that it may be traced to *Æserninum*: to *Sidicinum*, which one would like to read, we have only the corruptions of a few of less authority to guide us.

[650] x. 31. 7.

[651] Tres scriptos hostium exercitus, uno Etruriam—repeti—fama erat. x. 32. 2. Whence did one know, what had then been a rumour? On the other hand one might easily know, for what object the Samnites had made preparations.

mentions two entirely contradictory accounts, while he himself prefers and embellishes one quite different from them both. Fabius related that both the consuls L. Postumius and M. Atilius marcht into Samnium and fought a battle near Luceria, in which many were slain on both sides; and that in this battle a temple was vowed to Jupiter Stator. Now as this temple was dedicated, the Romans must have considered themselves as the victors. Afterwards, he added, one or both of the Roman armies (this he did not determine) were transferred to Etruria. Claudius wrote, that Postumius carried on the war in Samnium alone and at first conquered several places; but that then, after being put to flight in Apulia, he escaped with a few men to Luceria; and that Atilius gained victories in Etruria and triumpht. The third account, which Livy preferred, makes Atilius march at first alone to Samnium by way of Sora. The Samnites not only met him, but in a foggy day surprised the Roman camp, and were scarcely driven out of it again. Now Postumius also brings up his army, whereupon the Samnites retreat in such a manner, that the consuls are enabled to separate. Postumius takes by storm Milionia in the country of the Marsians, and finds Feretrum [652] abandoned. Atilius, who attempts to relieve the besieged Luceria, is beaten, with the greatest difficulty prevents his desponding soldiers from abandoning their own camp, and yet gains with them on the very same day a brilliant victory, so that seven thousand Samnites lay down their arms to obtain a safe departure. While this takes place in Apulia, the Samnites surprise Interamna on the Latin road and plunder the place: they are met by Atilius returning from Luceria, who deprives them of their prisoners and booty. At the same time Postumius carries on the war in Etruria with glory: he triumphs on his own responsibility, after the triumph had been refused to Atilius.

[652] This is the reading of the manuscripts. x. 34. 4.

The Fasti on the other hand expressly mention the triumph of both consuls at the close of the year of their magistracy: of Postumius over the Samnites and Etruscans: of Atilius over the Volsonians and Samnites. Volsonians is the name of a people that does not occur any where else; they may be Volcentians, who are mentioned along with the Hirpinians and Lucanians[653], and must thus be supposed to be in that district: but it is also not impossible, that the Volsinians are to be understood. Among the three narratives mentioned above only that of Fabius is reconcileable with the triumph of both consuls. All three attest unanimously, that an extremely bloody battle was fought near Luceria: but it would be quite a hopeless undertaking to reconcile the narrative in Livy, the precision of which in single points, especially in describing the surprise of the camp, might perhaps incline us to receive it, with the groundwork in Fabius's account, which is the most trustworthy.

For the year following 453 (459) L. Papirius Cursor and Sp. Carvilius were elected, and their deeds and success left behind such a brilliant recollection of this campaign, that both were called to their second consulship twenty-one years afterwards in order to bring the seventy years' struggle to a close: an expectation which they fulfilled by the complete subjugation of the Samnites. The latter now combined religious terrours with the compulsory powers of the magistrates, in order to call into action all their forces for that desperate resistance, by which alone they could gain respite for a time, when some favorable turn of fortune might send them help. It was proclaimed that a review of all the troops of Samnium would be held near Aquilonia, a town which must have lain in the neighbourhood of Bovianum[654]; all persons capable of bearing

[653] Livy, XXVII. 15.

[654] Compare x. 41. 11 and 43. 15. The Aquilonia of later writers in Apulia—Lacedogna—(Cluverius, Italia Antiqua) must have been a different place.

arms and within the age of military service were commanded to appear there under penalty of outlawry. In the middle of the encampment a tabernacle was erected covered with linen cloth: here the blood of the victims flowed from the altar, and the nobles[655] were one by one called within the darkness of this sanctuary, and sworn to speak to no one of the sacred objects presented to their sight: then to curse their own heads and families, if they did not go into whatsoever battle the imperator might command, or fled therefrom, or if they did not immediately kill whomsoever they should see flying. Centurions, who stood with drawn swords around the altar, cut down some who had hesitated to take this oath: those who came in after, saw their corpses among those of the victims. From among those who had sworn, the imperator elected ten, and these chose one each and so on until a legion of sixteen thousand men was formed: forty cohorts of four hundred men each[56]: the legion received the name of Linteata from the hangings which surrounded the tent[57]: it was distinguisht by crests on the helmets. A second corps of more than twenty thousand men, although not pickt in precisely the same sense of the word, was not less excellent on that account; the brazen armour, which became the prey of the Romans[58], was probably common to both.

The only historian, by whom any account of this campaign is preserved[59] with the exception of Livy, says, that the Samnites invaded Campania with this army, and that the consuls did not go to meet them there but penetrated into the unprotected country, and thus compelled the enemy to retreat. This narrative is unquestionably more probable than the one, which supposes that the Samnites loitering near Aquilonia were lost in superstitious cere-

[655] Primores—nobilissimus quisque. x. 38.

[56] x. 40. 6. (Compare vol. II. p. 84.)

[57] Or from linen tunics. Compare IX. 40. 3.

[58] Pliny, H. N. XXXIV. 18. [59] Zonaras, VIII. 1.

monies, while the consuls penetrated into their country with separate armies. Carvilius, it says, undertook the command of Atilius's army, which had wintered near Interamna, and with it conquered Amiternum, which may have been the Sabine town of that name: if so Terni, and not Interamna on the Latin road, must be supposed to be the place from which he opened the campaign. It further states, that Papirius took Duronia, a place which is quite unknown, and that hereupon both armies ravaged Samnium, especially the territory of Atinum: the Volscian Atinum had therefore come again into the hands of the Samnites in one of the campaigns, in which they broke forth between the Liris and Vulturnus, and had remained in their power. L. Papirius encampt opposite the Samnite army near Aquilonia, apart from his collegue, but only twenty miles distant, a short day's march. Sp. Carvilius blockaded Cominium. Several days had past by in inactivity or with insignificant skirmishes at the outposts, and the impatience of the Roman army could be no longer restrained, when L. Papirius made up his mind to an attack, the result of which against a desperate army that had been rendered fanatical, was very uncertain. On the same day Cominium was to be stormed by the other army to prevent at all events any succours coming from that place, and there was a possibility of taking the town. It is a remarkable proof, how real belief in religion had become extinct among all classes even as early as this time, that the keeper of the hens fabricated an auspicium, that the consul was not uneasy at the discovery of the lie, and that the whole army preserved its confidence at an interpretation, which in earlier times would have been heard with indignation. A middle state of belief had begun, when the conscience of men would have felt uneasy, if they had candidly owned to themselves that they no longer believed, and when the literal observance entered into a compromise with their inclinations [660].

[660] Such an example could not easily be forgotten. Papirius him-

The Romans however had seldom been assisted by such surprising good fortune as on this day, unless information of what the Samnites intended to do had been betrayed to them earlier, instead of being brought to them at the moment of its execution, and had thus determined them to fix upon this day for the battle. The Samnite general sent eight thousand men to Cominium, perhaps that they might return thence with provisions to Aquilonia. Sp. Carvilius being cautioned was able to keep them off, and nevertheless begin his undertaking against the town: and the main army was thus considerably weakened. The battle was less obstinate than many in these wars: the bloody consecrations had not inspired the Samnites with courage, and the fear of becoming forsworn ceast to keep up their resistance, when some cohorts of the allies, followed by baggage-servants on sumpter-horses, who raised a tremendous dust by dragging branches after them, were sent by the consul upon the road which led thither from the camp near Cominium, and thus appeared to both armies as the vanguard of the second Roman army drawing near. The Roman cavalry again decided the day: the infantry of the Samnites fled into the camp without being able to maintain it, and the cavalry directly to Bovianum, where all assembled who escaped on that day. L. Scipio with some of the left wing who had prest forward, availed himself of the consternation of the defeated, for the purpose of attacking Aquilonia: he made himself master of

self was scoffing unreservedly, when he vowed to offer to Jupiter Victor a glass of sweetened wine before he himself drank any: such traces before the existence of a history written by contemporaries are far more historical than any thing else: they continue to live for centuries handed down by tradition. The pharisaical interpretation, that the false announcement of a good auspicium was worth just as much as a true one, afterwards prevailed exclusively and more honestly than in this case, in so far as the auspices were no longer consulted at all. The agreement with other changes in the state is striking. The gods were *auctores in incertum consilii eventum*, and the pullarius was just as much of a farce as the lictor of a cury.

the gate, and maintained himself there till he received reinforcements: the town was abandoned by the enemy during the night. The cohorts destined for Cominium took no part any where in the fight; nay were recalled even before they met the troops which Carvilius had sent against them, and found the camp near Aquilonia already lost; and being wearied out they were resting without any military order, when they were surprised by the Romans, who were pursuing the enemy on the road to Bovianum, and escaped in great confusion.

Cominium had been taken by storm like Aquilonia. In the accounts of these conquests the peculiarity in the Italian mode of fortifying mountain-towns is clearly shewn even by the expressions of Livy, however ignorant he is of every thing else concerning the war, because local circumstances occur here, which must have been known to him, even if he had only traveled by way of Brundusium to Greece. Cyclopian fortifications properly so called do not, it is true, extend as far as Samnium; but they are at the same time only a development of a more general system. The words, that the Romans, as soon as they had scaled the wall, no longer fought with missiles but man against man[661], are only applicable to a fortification, which possessing no walls standing apart, rests upon the inaccessible nature of the steep sides of the mountain made into walls, which form a terrace and often several up the mountain, so that with the exception of isolated towers it is only the clivus of the gate which is fortified with walls and towers: these expressions cannot refer to walls standing apart. Moreover in such fortifications the Romans never have recourse to undermining as in the case of ringwalls[662]. They did not yet possess battering-rams: it is only related, that when the weight of the missiles fell too heavily upon the roof formed of shields, they built vineæ for their protection,

[661] Ex æquo pugnabant, x. 43. 6.

[662] For instance, at Nequinum.

the advantage of which was, that they wore out the sentinels and were able to seize a proper moment for scaling the walls. As Cominium was blockaded, those who escaped the sword could only save their lives by captivity.

The greatness of this victory is clear enough from its consequences: the numbers, at which Livy rates the loss of the Samnites, would not be any more authentic, even if criticism should free them from the impossibility which attaches to his text, probably without the fault of the writer[663]. The conquered towns were given up to the soldiers and the houses after being plundered were set on fire: the Romans never attempted in the interiour of Samnium to maintain a place by a garrison.

Hereupon the two armies separated, not as if the Samnites had entirely retreated from the field, for they fought on the contrary obstinate battles against the two consuls; but the Romans as conquerors in the heart of the country rendered the formation of a large army impossible. It was to no purpose, that the Samnites beat Sp. Carvilius with great loss near Herculaneum: he was nevertheless able to take this place afterwards, as Vella[64] and Palumbinum

[663] Drakenborch (ad x. 42. 5) would certainly have reduced the number of the slain near Aquilonia from 30,000 to 10,000, if the collation of the Florentine manuscript had agreed with the other most excellent manuscripts, in which however Salvini may have committed an oversight. He himself makes out, that with the former number, compared with x. 37, far more would have been slain, taken prisoners and made their escape, than the whole army amounted to: in addition to which, one cannot indeed conceive Cominium to have been so large, that the many thousands, who are said to have defended it, were inhabitants and not a division sent thither from Aquilonia.—However that we may not rely too firmly on the historical appearance of the detail in the narrative, we are cautioned by the circumstance, that Pliny, H. N. XXXIV. 18, speaks of the monument, which Sp. Carvilius erected to commemorate his victory over the consecrated army of the Samnites: consequently not L. Papirius.

[64] This or Velia or Veletia is the reading of the manuscripts; the reading Volana has no authority at all. Of Velia we cannot indeed think nor yet of Herculaneum.

previously: a very courageous resistance, which prevented L. Papirius from approaching towards Sæpinum, and defended this town during a long siege, was yet broken in the end by the numerical superiority of the Romans. Carvilius was called away with his army to Etruria, where the Faliscans had broken the peace so long observed: Papirius did not quit Samnium till the snow rendered it impossible to keep the field: both entered Rome in a glorious triumph[665]. The booty, which L. Papirius exhibited, was very rich for those times: but the avarice of the soldiers was not satisfied by the plunder they had been allowed: those of L. Papirius murmured, because he did not, like his collegue, distribute money among them, but delivered everything up to the treasury: the citizens complained that out of such large treasures the tribute they had paid, was not returned to them, which appears to have been done with respect to the army that Carvilius had led against Falerii, in consequence of the terms of the truce[66]. L. Papirius adorned the temple of Quirinus, which his father had vowed, and the forum with spoils: a part of the superfluous abundance was given to the subjects and colonists, just as they were entitled to a share in the conquered territories. Carvilius applied the brass of the armour to a colossal statue of Jupiter upon the Capitol of such a highth that it was visible from the temple upon the Alban mount: of the brass which fell off in polishing the work he had his own statue cast, which was placed at the foot of the colossus[67].

As soon as the Roman army had withdrawn, the Samnites again invaded the Falernian district, and the army of Papirius was obliged to return after its triumph and take

[665] The Fasti in contradiction to Livy place the triumph of Carvilius earlier—by one month—than that of his collegue.

[66] Pactus stipendium ejus anni militibus, x. 46. 12.

[67] Pliny, H. N. xxxiv. 18.

up its quarters there[668]. The continuance of the service from one year to another now becomes more and more frequent. In 454 (460) Q. Fabius Gurges, son of Maximus, took the command of this army; the Samnites were led by C. Pontius, who still possest the same energy and skill, which had been so destructive to the Romans in his youth. Q. Fabius took the retiring of a reconnoitering Samnite corps for the retreat of the whole hostile army, which he would not let escape with the booty. He thought that he was pursuing fugitives, was attackt and suffered a disgraceful defeat. The fall of night alone saved the completely defeated army from utter annihilation, because the Samnites used their victory much too cautiously, and the genius of Rome deceived them by the delusion, that the reinforcements expected from Rome and led by the father of the consul, to conquer whom perhaps none of his contemporaries dared to hope, were quite near and would protect the defeated. The latter, since their baggage was lost, could neither dress the wounds of the very great number who were wounded, nor attend to them: and if the Romans had only 3000 slain in such a defeat, the loss of the Samnites in less destructive battles must be exaggerated beyond all measure.

Such a defeat in a war, where only victories were expected in consequence of the success of the previous campaign, excited the greatest indignation against the commander, to whose inconsiderateness the whole blame was ascribed: and circumstances made it doubly unfortunate. The epidemic had now been raging upwards of two years,

[668] The tenth book of Livy ends with this year: and I part with him with the same feeling, as one does with a connexion, of which the defects have often been felt with vexation, when one exchanges it for a far worser. In such a state of mind one might feel inclined to charge oneself with ingratitude: yet it is certain, that with regard to the history we might easily console ourselves for the loss of the subsequent books, if only one of the earlier works were left to us, which he had before his eyes.

and from the country of the Faliscans the fire of war, which was still lurking under the ashes in Etruria, might suddenly burst forth again in blazing flames. In similar circumstances it was in accordance with the ancient custom to appoint a dictator to conduct the preparations, which were unquestionably ordained without delay, and to undertake the command of the army: but the senate decreed, a thing which was quite unnecessary and only intended to cover the consul and his house with disgrace, that the tribunes should be called upon to propose to the people to deprive Q. Fabius of his power as a general. Whether such a punishment had ever been inflicted before, can scarcely be said. Its legality is unquestionable, because the senate and the people could prolong the consular power, and because the imperium was not conferred by the election itself but by a special legal act. But the immediate cause of a severity, which was at least quite unusual, was anger, and also with a numerous party in the senate factious hatred against Q. Fabius the father, which the people was very far from sharing in. If this is manifest, and if it is sufficient to direct one's attention to the fact, in order to see that it was quite impossible for the senate to leave the army without a head at such a time and not to appoint a dictator, the conjecture, that App. Claudius, of whom the historical inscription[669] expressly states that he had also been dictator, was appointed on this occasion, can by no means be rejected as transgressing the bounds of a well considered hypothesis.

The consul Fabius had come to Rome, probably summoned to appear before the senate, when the people was to decide upon his honour. Justification was just as impossible as at the time, when his father stood before the tribunal of the dictator, supported by the same people: the old man prayed them for his own sake and services to spare him this grief: to allow him, on whom the people had so often prest the consulship, to lead back his son to

[669] See above, p. 369, note 624.

the army and lend him his assistance. He did not pray in vain. The Fabii without doubt conducted strong reinforcements to the defeated army, which even the great Samnite general most inconceivably had not been able to destroy, though it was in a thoroughly disorganised condition.

The battle, which decided irrevocably the contest between Rome and Samnium, has no name: the place where it occured, is unknown. The two greatest generals of their age fought against one another, the Samnites in despair, with the feeling, that this effort if it was not successful, was the last: and without Q. Fabius the father they would have conquered. If, as the words of Dionysius say, it was the Pentrians alone, who here fought for the whole nation[670], the other cantons were the cause of the misfortune, which their support would have infallibly averted, inasmuch as the former by themselves were so near to victory. The first line of the Romans was already broken, and the consul surrounded, when his father himself at the head of the reserve rescued him from the throng and decided the day. The Samnites suffered the most decisive defeat, and this time the statement of 4000 prisoners and 20,000 slain, however little authentic it may be, has at least no internal improbability at all. A greater loss than that of many thousands was the capture of the imperator C. Pontius: but this circumstance affords us at the same time a means for estimating the extent of the defeat. And although the submission of the Samnites was still delayed until the second year, yet the expression, that the war was terminated by the loss of the captive general[71], is strikingly true.

This battle occurs in the forty-ninth year from the breaking out of the first Samnite war[72]: M. Valerius, who

[670] Φάβιον νικήσαντα τῷ πρόσθεν ἐνιαυτῷ Σαυνιτῶν τοὺς καλουμένους Πέντρους. Dionysius, Exc. p. 2334. R.

[71] Orosius, III. 20.

[72] Not according to the numbers of the series of consuls, but

had then led the Romans, was still alive: perhaps C. Pontius and Q. Fabius too had borne their first arms in that campaign: the latter at least is spoken of as a man of extreme old age[673]. The senate after this victory prolonged the command in 455 (461) to Fabius Gurges, as proconsul, for the purpose of acting against the Pentrians: a second army was formed and assigned to one of the consuls to bring the war to a close. L. Postumius was elected for this year, although he had offended the senate by his unauthorised triumph, and only escaped an accusation before the people by accompanying the consul Carvilius into the field: an able general, but driven to crimes by his haughtiness and defiance, which bordered on madness. Without allowing a decision by lot or an ordinance of the senate, he assumed the command of this army, and the forbearance of his collegue C. Brutus avoided a public scandal: with still worse arrogance he wrote to the proconsul Fabius, who was besieging Cominium, to command him to leave the army. When the latter refused, he led an army against him: to the deputies of the senate he had given the reply, that so long as he was consul, the senate had to obey him, not he the senate: and if Fabius had asserted his right against a madman, it might have come to this, that Romans fought against Romans in the face of a hostile town. He yielded and led his army back to Rome.

In his triumph C. Pontius was led in chains and beheaded. It is a consolation to be able to turn our eyes from this horrour to the hoary Fabius, whose paternal heart endeavoured to secure his son all the splendour undivided. He followed the triumphal car on horseback, in the same way as when he accompanied his son in the field to a conference with the Samnite generals; he had resisted his

because the beginning of the consular year was advanced by more than nine months: see above, p. 285.

[673] Ultimae senectutis, Valerius Maximus, II. 2. 4, and in almost stronger terms, V. 7. 1.

entreaties to go between him and the lictors, that he might be secured against the throng[674]. The old man cannot have survived the triumph long. None of his contemporaries possest the love of the people in the degree that he did: the poorest contributed their mite to increase the splendour of his funeral.

Postumius subdued Cominium in a few days and also conquered among many other places Venusia in Apulia, which was probably reduced to obedience again in this campaign. This town on the frontier of Lucania the senate chose for a colony, which completely separated Tarentum from Apulia and Samnium, and at the same time blocked up the latter even on the most distant frontier, provided the Lucanians remained obedient, and if they revolted, it served as a place from which they might act against them. Considering its importance and its great distance from Rome it is not at all incredible, that 20,000 colonists were sent thither; in number, it is true, more a nation than a body of citizens. Besides the citizens of all classes the allies also took part in such a settlement.

From the fact that Dionysius speaks only of conquered places, and from the words of Orosius already quoted, which are in all probability borrowed from Livy, I think I may infer, that the Samnites after the decisive defeat did not venture upon another real battle in the field. The words of Eutropius too have very little weight[675], for he never thinks of weighing his words carefully, however much he ought to do it in such a brief narrative: he states, that P. Rufinus and M'. Curius, the consuls of the year 456 (462), reduced the Samnites by immense battles. The forty-nine years, which he reckons as the length of the war, do not suit this year according to any chronology; but

[674] Valerius, II. 2. 4, indeed relates another anecdote in the same chapter, which according to Livy refers to Fabius Cunctator; but this can only refer to Rullianus.

[675] II. 5.

according to the Catonian era they do suit the consulship of Q. Fabius Gurges, in which Orosius also places this number. The discovery of the fragment of the triumphal Fasti wanting for just these years, which is not to be despaired of, would tell us whether Rufinus also triumpht or Curius alone. As L. Postumius led back his army and disbanded it instead of handing it over to his successor, whereby the opening of the campaign was delayed, and Curius after his triumph marcht again against the Sabines, the time for military undertakings in Samnium is rather limited: and it is moreover very probable, that on this occasion as well as others the conclusion of peace was preceded by a truce.

The single notice[676] that we have of this peace, only says, that the alliance was concluded for the fourth time: it cannot therefore be ascertained, whether this peace determined still more strictly the dependence of the Samnites than that of 443 (449): but Venusia, and what bordered upon it, was certainly not the only conquest that remained to the Romans. Samnium was no longer a power which could stand forth against Rome even as the head of a confederacy.

The Sabine war arose undoubtedly from exactly the same causes, as had ocasioned the one against the Æquians after the termination of the second Samnite war. Hatred might even have been excited by services afforded to the Samnites in their march to Etruria, which, if they were not refused to the uttermost, must have seemed to have been afforded willingly; and if single places received garrisons, and volunteers entered the Samnite service, the punishment could only be deferred so long as it threatened to be followed by dangerous consequences. For a century and a half the Sabines in all probability had lived in the undisturbed relation of isopolity, but in perfect neutrality in all the wars of Rome: nothing could be happier for

[676] Livy, Epitome, XI.

them than the continuance of this condition; but from the time that the Romans repelled the general enemies of Italy as far as the eastern side of the Apennines, a claim which might be defended was exceedingly unfair, so long as they could not defend the Sabine country. It is therefore exceedingly probable that the senate ordained, as in the case of the Æquians, that the Sabines should receive the Cærite franchise and serve as subjects with cohorts: but instead of yielding to an inevitable fate with a clear conviction of its necessity, and thus accelerating the gift of the full franchise, a people took up arms, which had been unaccustomed to them from time immemorial. The persons capable of bearing arms had, it is true, become numerous in the long peace, and with a large army they penetrated into the Roman territory. Curius avoided them and sent detachments into their country, which entered, without meeting with resistance, the open towns that constituted the greatest part of their habitations. The intelligence of this broke up the whole Sabine army: the troops hastened separately to defend their own friends, but were overtaken and destroyed. Curius traverst and subdued the whole country as far as the Upper Sea[677]: an expression, which, if it may be taken strictly, warrants the inference, that the Vestinians and Picentians took part in the resistance of the Sabines. This would be directly proved by the establishment of the colonies of Castrum and Hadria, which Livy seems to have related between 456 (462) and 459 (465)[678], if others did not place the founding of Castrum about the beginning of the first Punic war[679]; and if together with those two colonies Sena was not also mentioned, which cannot have been founded till after the destruction of the Senonians.

The Sabine country is made for the cultivation of olives, more than most other districts: the vines also produce

[677] Auct. de viris ill. 33.

[678] Livy, Epitome, xi.

[679] Velleius Paterc. i. 14.

grapes in abundance, although the wines were but indifferent in antiquity as in the present day. Through a long peace, which had only been disturbed by Gallic inroads, such a land necessarily became so rich, that the Romans became acquainted with riches through this conquest[680]. Immense tracts of country were acquired for the Roman people, and the number of prisoners was so immense, that Curius could say, that there was so much land, that it must have lain waste, if the prisoners had been fewer; and that the prisoners were so numerous, that they must have starved without so much land.

The survivors were now obliged to accept the Cærite franchise; Reate and Nursia became prefectures[81], and Amiternum also without doubt[82]. Now as Arpinum, also a prefecture, received the franchise in this form after the peace of 443 (449), and as the extension of this relation subsequently ceases entirely, but was continued very vigorously from the time of the Latin war and especially ever since the second Samnite one, I therefore conjecture that Venafrum, Allifæ[83] and Atina[84] became prefectures in the same way about this same time or certainly not much later. The second of these towns was, as it appears, Samnite: the third Volscian without doubt, and the first probably so. Saturnia[85] too probably became a prefecture soon afterwards when the Etruscans were conquered; and as Festus intimates, that there were several other prefectures, besides the places which he mentions, the limits of the really Roman territory may still have been extended to several places, until the extension of the state came to a standstill. That Cære was a præfecture, is by no means shewn by the ancient isopolity, but even this town must have be-

[680] Strabo, v. c. 3. init. (p. 228) from Fabius.

[81] Festus, s. v. Praefectura. [82] Livy, XXVIII. 45.

[83] Festus, s. v. Praefectura.

[84] Praefectura Atinas: Cicero, prō Plancio, 8. (19.)

[85] Festus, s. v. Praefectura.

come a dependent municipium in the course of the fifth century.

The connexion between the Samnite and Etruscan wars ceases with the campaign of 451 (457). L. Postumius triumpht over the Etruscans in the year 452 (458). Livy states, that he defeated the Volsinians, over whom perhaps his collegue also triumpht, close to their walls, and thereupon marcht into the Rusellanian territory, where he took a town: if this had been Rusellæ itself, one of the Etruscan capitals, one would have thought, that a greater number of slain and prisoners would have been mentioned than four thousand in all. Even in this very year Arretium, Perusia and Volsinii sued for peace: as the price of the negociations, they furnisht the Roman army clothing and quarters, and as the price of a forty years' truce, the former two paid a contribution of 500,000 ases,—for such states quite an insignificant sum. Volsinii, although Livy refers the peace to all the three towns, can have concluded only a short truce: for not only is it difficult to conceive, who the Etruscans can have been, that threatened the Roman allies even in the following year if they would not unite with them, unless they were the Volsinians: not only is the opinion exceedingly probable, which many writers have formed or approved of, that Troilum[686] which Carvilius took in 453 (459) is the same with Trossulum, nine miles from Volsinii in the direction of Rome[87], and the revolt of the Faliscans in the same year justifies the conjecture, that other tribes in their neighbourhood were at war with Rome: but the continuance of the hostilities against the Volsinians during the eight or nine years, of which the history was contained in Livy's eleventh book, is expressly attested by the epitome. In what portion of the period they occurred, cannot be discovered from this

[686] Livy, x. 46. 10. Troilium has got into the editions only by accident.

[87] Pliny, H. N. xxxiii. 9.

scanty notice[688]: but there is an internal probability which is convincing, that this war, probably suspended occasionally by purchast truces like the former Etruscan one, continued throughout the whole period, and that the Volsinians stood at the head of the Etruscans who invited the Gauls. If the Volsinians had not continued this resistance so obstinately of their own accord from aversion to a condition of subjection, but because Rome insisted upon unconditional submission, we might refer to this war the charge of Metrodorus, surnamed the enemy of Rome, that Volsinii was conquered because it contained two thousand statues[89].

The Faliscans immediately despaired, and paid down a year's pay for the Roman army, and 100,000 ases, in order to obtain a truce for one year. But this came to a close without bringing peace, and in the year 454 (460) they were conquered by the consul D. Brutus. Respecting the occurrences of this campaign and the terms of the peace, no information is extant: just as this period indeed is one of the obscurest in all Roman history.

[688] Freinsheim conceived that they occurred as late as 462 (468): certainly for no other reason than that they are mentioned at the end of the Epitome. But in the same way as we find in this passage, *res praeterea contra Volsinienses gestas continet*, so we have at the conclusion of the epitome, e. g. of the seventh book, *res praeterea contra Hernicos, Gallos, Tiburtes cett. gestas continet*: the account of which war begins in the sixth chapter.

[89] Pliny, H. N. xxxiv. 16.

INTERNAL HISTORY FROM THE BEGINNING OF THE SECOND SAMNITE WAR DOWN TO THE LUCANIAN.

The miraculous signs, which preceded the Gallic war, and their interpretation by the aruspex Manius, are equivalent to an historical testimony, that Rome was visited by famine and pestilence during very brilliant years of war. In accordance with the interpretation of those signs the famine rose to such a highth, that hunger was appeased by grass and the most loathsome food. According to the order in which they are mentioned, the pestilence must have preceded the famine, and then it could only have been spoken of in Livy's eleventh book: else the contrary succession is all the more probable, as the epidemic, which visited Rome this time, seems to have been nothing else but an ordinary typhus. Earlier ones, which I have pointed out as true pestilences, were contemporaneous with equally murderous epidemics on the other coasts of the Mediterranean: this one stands isolated, and no one is mentioned who was carried off by it. The war, from the manner in which it was carried on in those years, might have occasioned both calamities: famine, if there was a bad harvest during the repeated devastations of Campania, and typhus in the armies, which had to endure all imaginable privations in districts that had been laid waste far and wide, although they still continued to obtain booty in places taken by storm.

When this epidemic was raging in the third year of the war in 453 (459), the Sibylline books were consulted, and in accordance with their oracle, which prescribed that Æsculapius should be brought from Epidaurus to Rome, ten embassadors were sent thither with a trireme[690]. Now if Epidaurus had been obliged to sacrifice its own god, in order to comply with the wish of the Romans, the latter could not have accomplisht their object, for the Epidaurians as yet had nothing to fear from them: but other nations had already obtained the god from that place, without his having withdrawn from his own temple: thus he migrated to Sicyon in the form of a snake, in a chariot drawn by mules and conducted by a woman[91]. Now the legend relates, that the senate of Epidaurus permitted the Roman embassadors to receive whatever the god might grant them, that when thereupon they were praying in the temple, a gigantic serpent came forth from the sanctuary, glided to the town, which was five miles distant, and through its streets to the harbour into the Roman trireme, where it took its place in the cabin of the embassador, Q. Ogulnius. The embassadors learnt the form in which the god was worshipt, and a favorable wind carried them back to Antium. Near the entrance of this harbour a storm arose: they ran the ship in, the serpent swam on shore, sought the sanctuary of Apollo, the father of the god who was abiding in him, and tarried here three days, wound round a lofty palm tree in the forecourt of the temple. When the tem-

[690] According to Livy, x. 47. 6. 7, the books were consulted in 453 (459): for according to the system of his narrative this belongs to the year which had elapst. The pestilence appeared as early as 451 (457) (x. 31. 8.),—and when the embassy departed, it had been raging *triennio continuo:* Valerius Maximus, i. 8. 2. Consequently the embassy falls in 454 (460) which agrees with the Epitome. The legend has been frequently related, and most circumstantially by Valerius Maximus, i. 8. 2. Auct. de vir. ill. 22. and Ovid, Metam. xv. 622—744.

[91] Pausanias, Corinth. 10. 3.

pest had subsided, he returned on board; and when the trireme had cast anchor before Rome, and the embassadors had quitted it to make their report, he dived into the river, swam to the island where the temple was built, and disappeared. With this legend the case is different from that of myths previous to historical times: here, where the time and persons are mentioned, there must be an historical, though falsified, foundation for the narrative. Harmless snakes of a considerable size were common at Epidaurus, and were worshipt as sacred[692]: such an one was carried to Sicyon, and such an one did the Roman embassadors receive. Even in a history, which was otherwise contemporary, the additional circumstances might have arisen a generation afterwards as an oral tradition, and subsequently come into the annals. At a later time the legend was as firmly establisht as we see by the various repetitions of the story, and the forming of the island of the Tiber, as is still visible, into the shape of a colossal trireme of travertino, with the figure of the serpent.

Orosius[93] alone says, that the Romans also received the stone of Æsculapius together with the serpent: the statue of the god cannot be meant here, although he likes to express himself in the most contemptuous way about the ancient gods: but his statement should not perhaps be rejected either, as after all he always makes his extracts from Livy or some abridgement of Livy. One must therefore think of rude stones, such as were worshipt at Pharæ under the names of gods[94]: or perhaps of the thunderbolt, which lamed Asclepius?

The arrangement of the Epitome places the institution of the Tresviri Capitales in the period between 454 (460) and 459 (465): it was through L. Papirius that the law was past, which establisht this judicial office[95]. The text of Festus calls him tribune of the people; there are, it is

[692] Pausanias, Corinth. 28. 1.
[93] Orosius, III. (22.)
[94] Pausanias, Achaic. 22. 3.
[95] Festus, s. v. Sacramentum.

true, plebeian families with this gentilician name, and the fact that they do not appear in history till much later, proves nothing: but L. Papirius being pretor in 454 (460), raises the suspicion, that sigla may have been confounded here. The words of the law, which are contained in the passage referred to, say, that the pretor should every year cause the people to elect three men, who were to exact the *sacramenta* and act as judges, in the same way as the questors[696] had to exact and to judge according to the laws and their own discretion.

The extent of the rights of this magistracy is very uncertain. In what the *sacramentum* consisted in its most proper sense, is, it is true, clear enough, and if it was not always deposited in ready money, but security sometimes given in its stead, we see why the exaction of it was taken from the questors, who were laden with more important business. But if the fines of the duplum and quadruplum did not go to the injured party but to the public treasury, just like the fines inflicted according to the nature of the circumstances, especially upon usurers, then they surely had to exact these also, which might thus be designated by the same name.

In the case of crimes, that fell within the range of their office, they themselves acted as judges; on this point the words of the law are express. These crimes, however, can only have been such as involved the forfeiture of life, provided the criminal was caught in the act; in which case the granting of a court and of an attempt to exculpate oneself, would have seemed to the Romans like a mockery of common sense. The identity of the person was the only question to be decided. The crimes falling within their jurisdiction were those, by which the People's peace[97] was

[696] This word has evidently dropt out: uti — *quaestores* exigere judicareque oportet. Compare Varro, de ling. Lat. v. 14. (IV. p. 24.) (See above, p. 38.)

[97] The King's peace.

broken most completely, and the offender, as far as in him lay, became a public enemy: robbery committed in the night and by force of arms[698], and murder[99]: in such cases the delivery of the offender to punishment was the only mode of proceeding.

That the Tresviri exercised police jurisdiction over those who were not entitled to the tribunician protection, is certain[700]: but I do not venture to consider it as quite establisht, that they instituted proceedings in the case of crimes, which did not belong to the popular court, although Varro's words might seem to imply it[1]. But in case of manifest crimes, for the commission of which the pretor gave over the guilty parties as slaves, — as for instance in manifest theft without the use of weapons, — in which case consequently no bail was admissible, it still seems impossible to conceive of anything else, than that a magistracy like this was answerable to the pretor for the facts of the case, so that the latter had only to pronounce sentence: as

[698] One who robbed in the night time, and a robber who used arms in his own defense, might be killed with impunity by the person robbed,— for the plain reason, that his life was already forfeited. Otherwise it would have been exactly this offender who would have escaped punishment, since it is not conceivable according to the way in which the Roman penal laws were applied, that the lesser punishment should have been inflicted for a heavier crime.

[99] These are the *nefaria ac manifesta scelera*, for which the offenders were thrown into prison; Cicero, Catil. II. 12. (27.): the same are designated by Livy, III. 58. 2, as *fures nocturni et latrones*. Arson probably belonged to these crimes, like similar deeds of savage horrour, but always on the supposition that the criminal was caught in the act. The carrying of knives, at all events in the case of slaves, perhaps in that of freedmen also, was, just as it is at present, absolutely a crime, forbidden under penalty of death: Plautus, Aulul. III. 2. 3.

[700] Over licentious women, by whom libertinæ are to be understood; Plaut. Asin. I. 2. 5—7. Matrons were summoned before the people.

[1] de ling. Lat. v. 14 (IV. p. 24). Qui conquirerent publicas pecunias, et maleficia, quae nunc tresviri conquirunt.

was done by the sentence of the judge who was assigned, where the fact could be disputed.

As several years always elapst between the tribunate of the people and the consulship, with which custom the example of P. Sempronius in this period too, and perhaps that of M. Livius agree, the tribunate of M'. Curius consequently falls without doubt in the time, for which the books of Livy are preserved, but very remarkable circumstances have been overlookt by him. At that time App. Claudius as interrex would not accept any votes for a plebeian consul, but Curius broke his vile insolence, and compelled the patricians to ratify beforehand the lawful election[702]. Appius was interrex in 447 (453)[3]: but as he was appointed three times to this dignity[4], it is only just possible, that that last, and now entirely impotent attempt, to violate the Licinian law, belongs to this year. Of a similar kind is the account of the elections in the year 449 (455), when Appius wisht to press himself as collegue upon Q. Fabius, in order to regain both places for the patricians, and the patricians required Fabius to seize this opportunity[5]: it is said moreover that the latter held the comitia.

L. Postumius Megellus, who triumpht twice on his own authority in defiance of the senate, drove the proconsul Q. Fabius out of his province, and disbanded his own army, that he might not surrender it to his successor, appears like a madman in his disobedience to the senate, and it is quite a mystery, how he could have obtained above all things his third election to the consulship, more especially as he had scarcely escaped a year previously an accusation before the people. These transgressions may however be conceived of as the outbreaks of a furious temper

[702] Cicero, Brut. 14. (55.)

[3] Livy, x. 11.

[4] See the inscription in Pighius ad a. 561.

[5] Livy, x. 15. Here too he confounds the patricians and nobility, by which name we must with far greater probability understand at this time the plebeian families which had become illustrious.

provoked: but it was completely the act of a maniac, to send, after his army was assembled, two thousand men into his own possessions, in order to root up a forest. The people condemned him on the accusation of the tribunes to a fine of 500,000 ases[706], the greatest which appears to have been inflicted hitherto in the history of Rome: M. Camillus had only been threatened with the same, if he should act as dictator.

The employment of 2000 labourers betrays that Postumius occupied extensive possessions of the domain land, which must have far exceeded the legal quantity. Considering how scantily Livy has incorporated a few things from genuine contemporaneous records, mostly at the close of the history of an official year, his silence probably does not prove, that those, on whom it was incumbent to watch over the maintenance of the general agrarian law, had entirely neglected their duty, ever since M. Popilius Lænas brought the author of it to punishment as a transgressor of his own law. Still such may have been the case through carelessness, as it is mentioned under the year 448 (454), that the ediles accused many before the people, because they possest more land than the law allowed; that almost all were declared guilty, and that this chastisement placed strong fetters upon immoderate avarice[7]: but that the latter resisted the temptations, which the extension of the domain land presented, is the more doubtful, as soon afterwards in two instances, in 450 (456) and 453 (459), transgressors through an unlawful use of the pasturage were called to account and punisht severely, as is clear from the works which were executed from the amount of the fines[8].

From the time of the Latin war no assignments of land are mentioned, and perhaps the conquered territories were

[706] Dionysius, Exc. p. 2336. R.

[7] x, 13.

[8] If the second decad were preserved, we should know how gradually the Appian road was paved from Bovillæ to Capua out of such fines.

in most cases unsuitable for scattered habitations through distance and insecurity. But all the more colonies were founded, as they satisfied the claims of the allies, and at the same time provided for and removed many a poor citizen. The Sabine war afforded an abundance of fertile land, in a situation where country-people could live securely in isolated farms: and on this occasion a general assignment was decreed. We are justified in supposing that this was done on the proposal of Curius, as he was evidently one of the triumvirs for the distribution. The fields were so numerous, that every citizen might have received considerably more than the usual measure of seven jugers, had not Curius thought it injurious to exceed this quantity, and preferred leaving the remainder as domain land. The people murmured, but Curius, inflexible in his determination, declared every one to be a noxious citizen, who was not contented with the land, which was sufficient to maintain him[709]. For the same reason he himself refused the present of five hundred jugers and a house at the foot of Tifata, which the senate offered him[10], and took a lot in the country of the Sabines, such as a common soldier received[11]. Here he inhabited the simple farm-house, where he refused the gold of the Samnite embassadors, as he roasted his turnips in the ashes: whither Cato made a

[709] Plutarch, Apophthegm. p. 194. E. and for the speech of Curius, Pliny, H. N. XVIII. 4.

[10] Auct. de vir. ill. 38. Columella, I. 4, mentions fifty jugers, but his whole knowledge of the plebeian assignments is so confused, that he is indeed of less value than the much later writer.

[11] This is the expression of Frontinus, Strategem. IV. 3. 12, who also expressly limits the assignment to soldiers who had served their time (*consummati milites*), in which point however he may have erred by thinking of what was customary in his own time. Moreover it ought not to appear at all impossible to find land for all the plebeians. Among the 260,000 of the census of 454 (460) the plebeians are nothing like half: one must separate the patricians, nay all the knights, then the Campanians, and all the municipes of the Cærite franchise; all the erarians, and perhaps the libertini also.

pilgrimage as to a sacred spot. Moreover he assuredly did not use that domain land for himself; to him riches were a burthen, but he could not have wisht, that there should be no wealthy persons; even the subjects recovered themselves through the tillage of the domain that was left them, and the republic had a rich revenue in the tithes for its wants and its splendour.

It was perhaps even as triumvir for the distribution of lands, though perhaps not until he was censor, that Curius, by making use of these riches of the state, became the benefactor of the Reatinians by a work, which has nothing like it in the whole world. The waters of the lake Velinus, like those of the Fucinus, covered many miles of land, because hills prevented its flowing into the Nera. The Etruscans had drained many small lakes[712], and the Latins had reduced those of Albano and Nemi to an incomparably lower depth of water: for the Velinus no subterraneous vaults were needed. Curius cut a broad and deep canal through the rock of limestone for the distance of a mile: through this the river Velinus, which he created, runs rapidly to the edge of the valley, at the bottom of which the Nera flows, and plunges down from a highth of 140 feet: this is the cascade delle Marmore or of Terni. Nature has produced far mightier and more important waterfalls, but the most beautiful of all is the work of a Roman. Across the canal he cast a bridge of one arch, in the Etruscan style of architecture, of the largest squares without any mortar: none of these blocks has moved from its position the breadth of a pin's point, although a huge weight of earth has been pressing upon it perhaps for more than a thousand years[13]. The course of the water down to the

[712] One sees many such, especially in the neighbourhood of Perusia.

[13] The existence of this bridge is, not to say too much, certainly known only to very few among the many thousand travellers, who visit the waterfall. I was informed of it by a guide who is now dead: he assured me that he had never before conducted a stranger thither;

canal was regulated by ditches, and thus the Rosea was gained, the Tempe of the Reatinians, the richest soil of Italy.

He who is not warpt by sentimental historical prejudices, must here perceive, that, but for the war with Hannibal, Rome's dominion would have been as full of blessings for Italy as it was necessary.

The advantage of an assignment of lands came at a time, when the people were in urgent want of an improvement in their domestic affairs, but too late to secure it. Like all long protracted wars, the efforts of which are determined not by the strength of the people but by necessity, those which Rome had carried on for more than thirty years, had exhausted the very marrow of the nation and destroyed its prosperity. Thousands of families, whose possessions were entirely laid waste, more especially for instance in the Falernian district, and which after the loss of their property had to ransom their members from slavery,

to me too he only spoke of it by chance, because I did not mind walking alongside of the canal so far as it cut through the rock, although there is no path through the bushes and fields. Without a guide who knows the bridge,—and I believe that few know of it,—one would scarcely find it: in order to see it, one must climb down the steep bank, holding fast by the bushes. At Terni a stranger will be told, if he enquires, of quite another ancient bridge, which lies *below* the fall, near the foot-path, by which one returns from the fall along the river to the village, and which was discovered a few years ago buried under a deposit of the lime of the river. This one is very badly built, at the earliest in the decline of the empire, probably not till the early part of the middle ages. The peasants say quite in earnest, that it is more ancient than the deluge.—As many a statement from books has come to the entirely unlearned guides, so was it here also with the passage in Cicero's letters concerning the works of Curius and the law-suit of the Reatinians and Interamnatians: and as such things pass from books into the living language, monstrous additions grow out of them like branches. My guide related to me that Cicero spoke for the inhabitants of Rieti, and *il buon Braccio* for those of Terni. Similar tales in the western Highlands and the Hebrides are considered as proofs, that the tradition of the poems of Ossian lives among the people.

sank into extreme poverty; the long absence of the able-bodied men, since the armies remained assembled not only during the greater part of the year but even for some part of the second, deprived many families of their supporters for a time, and the death of a countless multitude in many a very bloody campaign, still more for ever; and though the expenses of the war were confined to pay, arms and provisions, and the sumpter-horses for the legions, which did not carry any instruments for besieging, and were consequently far less than in modern times, yet they had on the other hand to be borne in their whole extent by the generation then living. Even in those campaigns, in which the army was maintained at the cost of the hostile country, nay even when the conquered purchast a truce by giving pay and provisions, war-taxes cannot nevertheless have been dispenst with; and the richest booty was a compensation only to those who had luck. In addition to this there came the years of scarcity and epidemics.

With these sacrifices Rome had purchast immense advantages, and had acquired for the future greater wealth for the individual as well as greatness for the commonwealth; but the existing generation had fallen into poverty and misery. Hence arose serious and long protracted disorders, during which some tribunes proposed the canceling of debts; matters went so far, that the commonalty encampt on the Janiculus, till Q. Hortensius was made dictator and allayed the insurrection by conciliatory means. With the exception of this meagre statement[714], every account of these movements has perisht, the history of which probably formed a great part of the eleventh book of Livy.

Thus much perhaps is as certain as if it were expressly attested, that the canceling of debts, or at least their re-

[714] In Zonaras, VIII. 2, and Livy, Epit. XI. (To this we must now add the fragment of Dion Cassius from the Excerpta de sententiis, p. 166. n. XLII. ed. Mai, explained by Niebuhr in the Rhenish Museum, II. 4. p. 591. foll.)

duction, was assented to; for a desperate host of ruined men could only be brought back to their duty by force or concessions: and it seems altogether inconceivable that force should have been tried. Respecting the solution of other questions, on the other hand, no conjectures at all can be formed: whether the insurrection was confined to the real plebs or also extended to the libertini: whether the emigration was characterised by the same calmness as the earlier ones. We miss also all information respecting the relation, in which the plebeian nobility stood to the unhappy rebels, with whom they had not indeed any interest in common as their ancestors had had with the plebs which emigrated in their time: yet the Hortensian law, which was past in the oak-grove[715], consequently outside of the city, and during the time of the emigration, admits of no doubt, that the people had leaders who made use of it as an instrument for their objects, which were quite indifferent to the multitude.

The Hortensian law is celebrated in the history of jurisprudence, because it gave to plebiscita the general validity of laws: the decisive words were undoubtedly, *ut, quod tributim plebes jussisset, populum teneret;* where *populus* signifies the houses, perhaps with their clients[716]. How much it took away from the patricians, whether a right which they still exercised in reality, or the mere shadow of one, depends upon the meaning of the Publilian law,

[715] In aesculeto, Pliny, H. N. XVI. 15.

[716] Gaius, whose few words are worth much more than the disfigured account in Justinian, should only not have written, Instit. I. 3, UNIVERSUM *populum tenerent:* for such a collective people, instead of *populus Romanus Quirites*, is an idea infinitely more recent: the correct expression, simply *populum teneret*, is in Livy, III. 55. In the same way he ought in the preceding words to have written *quae* instead of *quia:* for the patricians assuredly did not deny the validity of plebiscita which they had sanctioned.—Pliny, H.N. XVI. 15, and Lælius Felix in Gellius, XV. 27, who wrote *omnes Quirites* instead of *populum*, probably confounded the words of the Hortensian with those of the Publilian law, or were thinking of *pop. Romanum Quirites.*

which can scarcely be determined with any certainty from the historical sources that have hitherto been made known[717]: so much is unquestionable, that, as the Valerian law had introduced a form, according to which both orders had a share in the legislation, the onesided power of the plebeian commonalty now avenged the long injustice of the patricians which had been practist in manifold ways, by another act of injustice; it subjected them to laws, from the consideration and passing of which they were excluded. This was not simply the want of the illusion of a personal representation, and of the pleasure which individuals have of making their voices heard in public affairs, which is the only thing permitted to the inhabitants of a town in England unrepresented in parliament, as its peculiar interests are otherwise sufficiently represented: it made the continuance of the rights of one order depend upon the mere pleasure of the other, without any other protection except the conscientiousness or intelligence of individual tribunes. That these rights were nevertheless preserved for more than a century, until they actually became antiquated and died away, is without any example and extremely honorable: but the annihilation of an equipoise founded upon other powers than numbers or wealth, was nevertheless an essential evil. Henceforth the commonalty, without the senate and the magistrates being able to check it, could arbitrarily limit their power, and curtail the honours, and, by agrarian laws, the property of the senators, especially until the Ælian and Fufian laws set some limits to this despotism. There is probably no reason to doubt, that the patricians by an evil and, according to circumstances, a senseless use

[717] (This expression in a revisal by the author would undoubtedly have received greater precision. According to the passages written at a later period, above pp. 148. 149, and especially vol. II. p. 366. foll. it is clear, that Niebuhr, as indeed he taught in his lectures, placed the main substance of the Hortensian law in the abolition of the senate's veto upon plebiscita, after the Publilian law had done away with the authority of the curies respecting them.)

of their veto must have provoked their adversaries, who were in possession of the power, to exclude them from their share in the legislation: we may further maintain with as much certainty as if testimonies were extant, that if a man like Fabius the Aged had stood up and conjured the plebeians not to put out one of the eyes of the republic, and had told the patricians, that a body, which was to stand in the same relation to the plebeians as their forefathers had done, must strengthen itself by the illustrious plebeian families, the patricians would have rejected such a proposal as treacherous and would rather have lost everything.

As to the year, in which this insurrection was brought to a close, only two circumstances can serve as guides: one is, that the epitome speaks of it after mentioning the census—consequently 458 (464)—and previous to the outbreak of the Gallic war, in 463 (469): and the second, that Diodorus wrote of it after the events which took place in Sicily subsequent to the death of Agathocles, which falls in Ol. 122. 3, or the year after[718]. An isolated account, accidentally preserved[19], which states that Curius prest the senate hard in the assembly of the people, and that a band of eight hundred young men, admirers of his virtue, surrounded and accompanied him, must perhaps be referred to the commencement of these disturbances. Had his tribunate been as stormy as this, Livy could not possibly have overlookt it: it was only as tribune or magistrate that Curius could speak in the assembly of the people. He was consul in 456 (462), and pretor probably the year after. We may conjecture that he was obliged to wring from the senate the assignment of lands: that on this occasion even his life was in danger: that the refusal of the curies to sanction the plebiscitum led to the Hortensian

[718] The fragment, which is appended to the Excerptum, XXI. 12, refers to the exclusion of the patricians from the commonalty of the tribes. (Compare note 714.)

[19] In Suidas from Appian. Samn. p. 54. Schw.

law:—and this is not in the least contradicted by his being obliged subsequently to censure the insatiability of the people.

That the Mænian law obliged the patricians to sanction the elections of the magistrates before-hand, and that it was not past till after the tribunate of Curius, is stated by Cicero unequivocally*: and it has long been acknowledged, that it must have been nearly contemporary with the Hortensian law. If it originated with a tribune[720], it was one of the first operations of the soverain power of the plebs; but even the Fasti of this period are very imperfectly preserved; during the protracted commotions there may have been more than one dictator: as Q. Hortensius died in this magistracy, a successor may have been appointed in his place: and C. Mænius, whose spotless virtue had been tried in the dictatorship of the year 436 (442), would above all others have been the venerable citizen, before whom the passions of both parties might have been silent; he might moreover very easily be still alive, though he would have been of too great an age to be appointed to the command of an army.

Though the Hortensian law was the commencement of the destruction of the constitution, yet it deprived the patricians of only one right, which they had abused in an unpardonable manner and were still continually tempted to abuse. In less than forty years the commencement of the consulship had been removed from Quinctilis to April: which can only have happened from the patricians, either in order to frustrate the Licinian law entirely, or from stiff-neckt hostility against individuals, obstructing the elections in such a manner that about nine months altogether were taken up by fifty-four interreigns. These annoyances now came to an end, and the beginning of the year of the magistrates is now fixt with the exception of some

* Cicero, Brutus, 14. (55.)

[720] As Pighius and Freinsheim supposed.

insignificant changes, which however only accelerate its commencement in consequence of the office being laid down before the completion of a full year, and thus the consuls, when the Hannibalian war broke out, entered upon their office on the Ides of March. Interreigns henceforth no longer occurred, until it was thought necessary to revive them as an expedient in the very last times of the republic. There was, however, one step still from the Mænian law to the later state of things, when the curies were only called up, and no longer assembled.

MISCELLANEOUS OCCURRENCES OF THE SAME PERIOD.

In this period king Demetrius the Besieger reigned; who, when Roman privateers had been taken up in the Greek seas, sent the prisoners to the senate, but added the reproach, that a Greek people, which thought itself entitled to the dominion of Italy, and had erected a temple in its market-place to the Dioscuri, the tutelary deities of navigation, allowed pirates to sail out[721]. The letter which exprest these complaints, was of course brought over by an embassy: an opportunity for forming connexions, from which sooner or later an alliance might possibly arise, must have been very welcome to a prince like Demetrius. The privateers belonged to some one of the subject maritime towns, which were infected by the piracy of the neighbouring Etruscans. The Tyrrhenian ships, which had served Agathocles a few years before[22], were probably privateers, and Tyrrhenian piracy rendered the Ægean sea unsafe, until the Rhodians put an end to it; from which time the power of this new maritime state began[23]. This time falls a little later, and the Greeks may have owed their deliverance from this scourge to the measures, which the Romans were enabled to take after the subjugation of Etruria[24].

[721] Strabo, v. 3. (p. 232.)

[22] Diodorus, xx. 11. (?)

[23] Dion Chrysostom.

[24] Pirates carried on their trade in the Archipelago even during the wars of Athens against Philip, but these distant ones surely would

During this period Rome was embellisht with buildings, streets, and important works of art, partly from the booty taken in war, and partly from the fines accruing from the accusations of the ediles. It is a generally received opinion that the Capitoline she-wolf is the same as that of which Livy says*, that it was erected in the year 451 (457) with the sucking children near the Ficus Ruminalis: and though it can be proved that it was not found there, but stood as early as nine hundred years ago in the Lateran palace, this only removes an ill-applied external argument: on the contrary it is very easy to conceive, how such a work was taken away from its original position after the change of religion. This she-wolf, and the sarcophagus of Scipio Barbatus, which is a little more recent, give a very high idea of the sublimity of the works of art and certainly of the buildings also of that time. The colossus of Sp. Carvilius, so gigantic that one could see it from the top of the Alban mount, was without the least doubt also excellent as a statue: one will not be deceived in supposing all the statues of that time which are mentioned, to have resembled the finest in the severe Etruscan style. The material was exclusively brass: the buildings were executed of peperino.

The gold and silver utensils, which were dedicated in the temples, bear witness to the increasing wealth of the state, with which a transitory poverty in the citizens is not incompatible: still this splendour had not been wanting even for a long time previously.

L. Papirius Cursor dedicated a sun-dial on the temple of Quirinus in the year 453 (459)[725], unquestionably from the Samnite booty.

not have ventured thither and nestled there, till after the naval power of the Athenians was annihilated. The seas of Sicily had suffered even before from Tyrrhenian privateers; but the fables, in which they occur, can scarcely have arisen in very ancient times.

* x. 23. [725] Pliny, H.N. VII. 60.

As other usages of the Greek festivals were gradually introduced, such was the case in the same year with the custom of giving palm-branches to the victors in the public games.

In the year 453 (459) the census gave upwards of 262,000: in the following lustrum it is said to have given 272,000 heads: but the latter number like all others which occur in the epitome, is exceedingly uncertain[726]: it would therefore be idle to indulge in speculations respecting this increase after the pestilence and the famine, and to wish to find out, whether this can contain a proof, that the Sabines had not been included in the census previously[27].

[726] For the former census too the manuscripts of the epitome of the tenth book have 272,000.

[27] The censors of 458 (464) are unknown: I conjecture that Sp. Carvilius was one of them; how would he otherwise have come to erect the colossus?

THE ETRUSCAN AND GALLIC WAR.

Livy and Dion, the latter of whom is entirely independent of the opinions of the former, being much more careful in investigating the connexion of events, had expressly represented this war in the same connexion with those in southern Italy, as Gellius Egnatius had made war upon the Romans in the north. Zonaras mentions the Tarentines as those who had stirred up the Etruscans, Gauls, Samnites and others against Rome, although they themselves did not come forward[728]. An extract from Dion himself relates, that the Tarentines and others by embassadors persuaded the Etruscans, Umbrians and Gauls to revolt from Rome[29]: Orosius states, that the Lucanians, Bruttians and Samnites allied themselves with the Gauls and Etruscans[30]. Better authority for a connexion which is highly probable, cannot be sought for a period like this; nevertheless, although the Lucanian war must have broken out earlier than the Senonian, I shall defer mention of the former, till I shall have treated of the last efforts of Etruria for its independence.

I have already remarkt that the Volsinians, sometimes supported by a part of the western towns, but abandoned by Tarquinii, Perusia, Cortona, and Arretium, seem to have laid down their arms only during short intervals throughout the whole of this period. The prospect of a

[728] VIII. 2. [29] Frag. 146. p. 60. Reim. [30] III. 22.

general war in southern Italy must have given them new courage; it seemed at last, as if all that were still left would rise against the enemies of all: but the most important point was the participation of the Gauls. The inviting of them could not be nearly so dangerous to the Volsinians and the towns near the sea, as to those on the north-eastern frontier; the latter should rather have been induced by their experience in the instability of the coalitions so often tried, to seek safety in the protection of Rome. Nevertheless the Umbrians allowed themselves to be seduced or frightened into joining the league[731]. Thus Arretium was besieged by the Senonians and Etruscans in 463 (469), and the pretor L. Metellus was sent with an army to the relief of the faithful town[32]. The circumstances of a pretor having the command of an army, justifies the inference, that at this time too, since enemies rose up all around, six legions at least were sent into the field: in addition to which, in a Gallic war, the arming of a militia as a reserve was assuredly not neglected. The result of this undertaking was exceedingly unfortunate; the general and seven tribunes were killed on the field of battle; nay the whole army must have been destroyed: it cannot be conceived to have been more numerous than about 20,000 men, and if upwards of 13,000 had fallen[33], one cannot well imagine that the survivors could have saved themselves at such a distance from Rome, even if it were not related, that M'. Curius, chosen pretor in place of the one who had been slain, was sent on an embassy to the Gauls respecting the prisoners[34].

An entirely different time and object were assigned it by Livy: according to him it was sent before the battle

[731] Dion, frag. 144.

[32] (A remark is here made in the margin of the manuscript: *Every thing to be transposed.* Yet it is difficult to conjecture the exact intention of the author.)

[33] Orosius, III. 22.

[34] Polybius, II. 19. 9.

of Arretium to induce the Senonians to preserve the peace[735]; a humiliation, to which the Romans were prudent enough to submit, when the public welfare demanded it; nor would they have hesitated to support their requests with gold. Nay it may have appeared to their descendants less disgraceful, that an embassy was sent to prevent a breach of the peace, rather than to ransom prisoners. Another authority, important for the earlier times, coincides with Polybius: for Appian, according to whom blood had been already shed before in this war[36], places the outrage committed against the embassadors immediately before the annihilation of the Senonian people[37]. Appian has, as usual, followed Dionysius here step by step, and the possibility of his having from carelessness misunderstood the original testimony, is almost destroyed by his agreement with Polybius.

According to the same narrative of Appian the Senonians until then had not carried on the war as a nation against the Romans; on the contrary there existed a treaty of peace with them, which must have been concluded after the battle of Sentinum: it was only volunteers, raised, at least apparently, by the system of recruiting which was universally allowed by their national law, who had gone in unusual numbers to the Etruscans as mercenaries. The Romans had not fallen unavenged near Arretium, and a victory which already compensated for the day of Sentinum, so intoxicated the barbarians, that the outrage to which Britomaris instigated them, whose father had fallen in Etruria, is easily conceivable. They murdered the fetiales without any reverence for their priestly robes, and mangled their corpses.

[735] Epitome, XII., and Orosius, III. 22: the latter appears to have had before him an extract from Livy markt with dates. His expression is uncommonly strong: *ad exorandos Gallos.*

[36] *ἀγανακτῶν ὑπὲρ τοῦ πατρὸς, ὅτι συμμαχῶν Τυῤῥηνοῖς ὑπὸ Ῥωμαίων ἐν τῷδε τῷ πολέμῳ διέφθαρτο.*

[37] Gall. XI. p. 83. 84. Schw.

Revenge was close at hand. The consul P. Dolabella led his army through the country of the Sabines and Picentians with unexpected boldness into the Senonian territory, from which the bravest of those capable of bearing arms were absent. Open villages in the plain could nowhere offer any resistance: even for flight there does not seem to have been time, as the defenseless people may have foolishly calculated upon the issue of a battle, which was completely lost[738]. The lives of only women and children were spared, in order to lead them into slavery: all habitations were burnt to the ground, all cultivation was destroyed; and to prevent new settlements, the colony of Sena, not a Latin one, was founded on the frontier of the plain which had been changed into a desert, but was soon cultivated again by Roman settlers. Britomaris was taken alive, and his death reserved for the triumph.

This awful catastrophe of a nation, which a hundred years before had conquered Rome and penetrated as far as Apulia, filled the Boians, who inhabited the plains between the northern descent of the Apennines and the Po, with such rage and apprehension, that the whole military population took up arms and marcht towards Etruria: their desperation opened them its gates in the Apennines in the direction of Fiesole. The Etruscans and the few surviving Senonians joined them, and this formidable army marcht against Rome: the Romans however encountered them near lake Vadimo. According to one account[39] it was the consul Cn. Domitius, according to another[40] P. Dolabella, who here gained one of the most decisive victories in Roman history: it is however just as inconceivable, that the Romans should have been so inconsiderate as to oppose a single consular army to such a power, as that this should have conquered. It was a battle of annihilation: the majority of the Etruscans and

[738] Polybius, II. 19. 11.

[39] Appian, Gall. XI. p. 83. 84.

[40] Florus, I. 13.

Boians were slain: the Senonians who had not fallen in it, put an end to their own lives: unless indeed the accounts of the Romans are dictated by the wish to represent the divine judgement upon the destroyers of their city.

The Boians did not yet despair on account of this, but armed every one down to the youngest of their nation, who had but strength enough to bear arms; and this army returned to Etruria in 464 (470)[741]. The scene of war was now transferred to the neighbourhood of Populonia, where an ambush of ten thousand Boians might have brought the Roman army into great danger, had not the watchfulness of the consul Q. Æmilius Papus detected and frustrated it[42]. This general here held out alone, while his collegue was contending with all the nations of southern Italy: he gained a finally decisive victory, after which the Boians sued for peace: war or peace was for a long time subsequently still in their power, since the Romans could not think of invading the countries on the Po; and it was only the liberation of their prisoners that could have induced them to seek a formal peace. But the chastisement had been so frightful, that for more than fifty years all the distresses which Rome had to suffer, never tempted them to renew the war.

After the Gauls had acknowledged themselves to be conquered, the submission of the Etruscans soon followed. The consul Q. Marcius Philippus triumpht over them, it is true, as late as 465 (471); but then all the other towns, apart from the Volsinians and Vulcientians, seem to have obtained peace: for the triumph of the next campaign, that of T. Coruncanius in 466 (472), mentions only these. Being the most obstinate enemies of Rome in the whole Etruscan nation, they were probably punisht with severity; not long afterwards a Latin colony was sent to Cosa, the town of the Vulcientians. Saturnia according to its situa-

[741] Polybius, II. 20. [42] Frontinus, Strateg. I. 2. 7.

tion probably belonged to the territory of Volsinii: that this place is named among the prefectures [743], proves, that in Etruria also districts which it seemed convenient to separate from the allies who continued to exist as states, were reduced to a state of direct dependence by receiving the name of citizens. Such an important system was probably not confined in these districts to a single town of little consequence.

The Etruscan war still continued when Pyrrhus conquered near Heraclea, and it was upon Etruria that he reckoned when he marcht against Rome: at that moment Rome concluded it, and the disappointment of this expectation obliged the king to retreat. Now it would be a wonderful coincidence, that the power of the Volsinians should have been so exhausted just then, that they were obliged to submit at the very moment that a deliverer was approaching, as has certainly happened sometimes to a besieged town: but still in the year before other towns had been in arms with them, and as far as our accounts go, even those towns which had separated themselves, had concluded only a truce and by no means an alliance with Rome; and it is inconceivable, how the impregnable Volaterræ submitted to a condition of dependence. The riddle is solved, if one bears in mind the Roman prudence, which so often contrived to separate an enemy, by the concession of advantages, from his natural allies, as Philip from Antiochus. To withdraw Etruria from Pyrrhus, was worth granting the most favorable terms, and Rome was well aware of this; for the Etruscans on the other hand, an honourable and free connexion with Rome was all that calm reflection could wish for. Apart from the inveterate hatred between the Tyrrhenians and Greeks, the fall of Rome would have deprived them of the only support against the irruption of a migration of the Gauls, who were then in a state of greater agitation than ever. There is no doubt that a

[743] Festus, s. v.

general contract was concluded with the whole nation, and on the most favourable terms. How light the burthens were, which the Etruscans undertook as allies, is clear from the voluntary contributions of their nation to Scipio's expedition into Africa[744]. These are so great, that they could only have been undertaken by those who were not, like Rome herself and a part of her allies, completely exhausted by the war: and here again that which was called voluntary, was an unavoidable obligation that compensated for an unfair concession of privileges, which in extraordinary circumstances were obliged to give way to the general welfare. It is in truth very easy to be believed by itself, that the Etruscans, as an entirely foreign nation were no more contained among the *allies and the Latin nation* than the Greeks in Italy or the people out of Italy: in the Cisalpine war Polybius only mentions their militia, and does not give their census like that of the Italicans: with the exception of a certainly very doubtful mention of a Perusinian cohort[45], Etruscan people are, I believe, no where spoken of in the consular armies: and with the exception of an insignificant movement, the Etruscans did not take any part in the movements against Rome during the Hannibalian war: their relation to Rome can neither have been oppressive nor humiliating. The Etruscan war had been carried on to its thirtieth year: some towns shewed very little perseverance, others a tenacious and obstinate one; moreover the Etruscan infantry appears in the first campaigns any thing but contemptible; nowhere however is there a hero, nowhere a brilliant undertaking, only persevering resistance, which was facilitated by the

[744] Livy, XXVIII. 45.

[45] Livy, XXIII. 17. *Additur et Perusina cohors:* but since this story, as if there had been other troops in the garrison of Casilinum besides the Prænestines, is unquestionably groundless, the statement proves nothing at all; and even if Etruscans had served in the Hannibalian war, that was quite an extraordinary time of need; of a danger, which might call forth volunteers.

nature of the country, the chain of the Apennines, which separates western and eastern Tuscany. The oligarchy did not allow any thing great to be done. That a war so long protracted, reduced the rich country very much, cannot be doubted: but from this time there followed two centuries of almost uninterrupted peace, in which it must have gained great prosperity again, and especially in arts and manufactures, which certainly attained their highest perfection.

THE LUCANIAN, BRUTTIAN, FOURTH SAMNITE, AND TARENTINE WARS.

The peace, which terminated the third Samnite war, seems to have placed the Lucanians in a more favorable position: the hostages, which Rome never took from her subjects except during transitory circumstances, must have been restored to them. Without the dissolution of this bond they would scarcely have ventured upon wars displeasing to Rome, although it does not prevent rebellion in case of direct oppression.

For upwards of forty years, since the death of Alexander of Epirus, the Lucanians had almost disappeared from history: according to their ancient custom they now availed themselves of the independence they had recovered, to make war against the Thurians, in the same way as after the second Samnite war they had immediately taken up arms against the Tarentines. A hundred years before, Thurii, after it had risen to an almost incredible degree of prosperity and population in scarcely sixty years from its foundation, had received a blow from the Lucanians in the battle of Laos, from which it never recovered. From that time Magna Græcia had been exhausted through the enterprises of the Sicilian tyrants, through the attacks of the Lucanians and Bruttians, and even through the wars which checkt these their hereditary foes: several Greek towns were entirely destroyed or had become barbarous:

Thurii seems never to have been taken during the whole of this period, but it certainly endeavoured to save itself, like the other towns of this coast, by treaties sometimes with the tyrants of Sicily and sometimes with the Italican barbarians.

Three or four years after the end of the third Samnite war (Ol. 122. 3 or 4), Agathocles died, whom history cannot refuse to acknowledge as king during the latter period of his rule. His death delivered the Bruttians from an enemy, whose mighty forces were in an inconceivable manner insufficient to conquer them, but still confined them to the defensive and estranged them from Italican affairs. In the existence of some connexion with Rome one must however nevertheless believe, since Callias had spoken at great length about the Romans in the history of Agathocles, nay had even gone back to their mythical history; the Romans reigned in Lucania, when the Bruttians united their arms with the Carthaginians, their close allies. There was now a security against Sicily in the anarchy and dissolution of the Syracusan state, and still more in the establishment of the Mamertine state in Messana by robbers of a kindred race.

Croton and Metapontum had been ruined by Agathocles and Cleonymus, and the former by native tyrants besides: the other Italiete towns which still existed, were far off and in need of help themselves: Tarentum alone might have been able to afford protection. But the Tarentines had always been strangers to the real Italietes, and the feeling that they were of the same nation could have infinitely less weight with them than the advantage of gaining, for a general league against Rome, the Lucanians and Bruttians, by the sacrifice of those towns, for the possession of which they had been striving ever since the origin of their state. Thus abandoned, the Thurians had no other refuge except the Romans, who refused the offer of extending their empire all the less, as a war might divert all thoughts from the insurrection of the people, which was

scarcely allayed[746]. It is at least very obscure, what can have been the meaning of the law, which a tribune, C. Ælius, got past against the Lucanian general Stenius Statilius on account of his hostilities against Thurii[47]: but the right of the senate to call a nation to account, which stood in an unequal alliance, for having committed acts of hostility, cannot be disputed.

It was not difficult for the Romans to chastise the Lucanians, either along the Lower sea towards Posidonia, or from the direction of Venusia; but in bringing help to the distrest there were tremendous difficulties, which must however have been overcome, since in 464 (470) Thurii had not yet fallen. The above-mentioned occurrences were previous to the year 463 (469). At that time, however, if not even towards the end of the preceding year, it became clear, that the same projects and hopes of destroying the Roman power, which had been formed forty years earlier, were now revived on an enlarged scale, as the Bruttians were drawn into the league. The Tarentines are mentioned as the people, who had planned a general coalition of the Italicans with the Etruscans, Umbrians, and Gauls; without taking an open part in the war themselves; and this in the case of a democratical constitution in a state of dissolution may be conceived to have happened thus:— that the heads of a faction treated with forein countries with the authority of the state without a decree, agreeing with the inclinations of the majority in believing, that they could satisfy their hatred, without incurring any danger.

Uneasy at these negociations, the senate sent C. Fabricius to states in alliance with Rome, to persuade them not to break the peace. On this embassy he was arrested by those to whom he was sent, probably to recover hostages by the exchange[48]. The Samnites[49], delighted at any ray of hope of trying their fortune again, probably declared

[746] Zonaras, VIII. 2.

[47] Pliny, H. N. XXXIV. 15.

[48] Dion, Fragm. 144.

[49] (There is a N B. in the margin.)

against Rome, as soon as the Gallic war was decided[750]: and it would have been a ridiculous idea to dissuade them from what they could not leave undone. The same thing may also have happened in Apulia, which rose against Rome even during the third Samnite war, and appears soon afterwards among the allies of Pyrrhus.

The ovation of M'. Curius over the Lucanians[51], if he had to make war upon them alone, must fall either in the year 462 or 463 (468 or 469). In the second of these years he was pretor, as successor of L. Metellus, who had been slain: if it happened in the first, he must then have been dictator.

It is something even to perceive, what kind of things and how many are lost to history in this period.

In the year 464 (470), when the Lucanians and Bruttians were besieging Thurii, united under Statilius, the general of the former people, C. Fabricius undertook its relief with an army far inferiour in numbers. But when matters had to be decided by a pitcht battle, the courage of the Roman soldiers sunk at the sight of the far superiour forces of the enemy, and it is related that they only took courage again on seeing a gigantic youth, carrying a scaling ladder before them to the ramparts of the enemy's camp and mounting the wall: the same vision spread consternation and despondency among the enemy; for it was said that he was a divinity, Mars himself; as was afterwards recognised by his helmet carrying two crests, as on the statue of the god, and by no one appearing on the following day to receive the prize which was offered: on which account the consul decreed a thanksgiving-day in the army to Mars the Father[52]. This narrative is the last episode in Roman history that belongs to poetry. The siege was

[750] The Epitome, it is true, mentions this occurrence after the attack upon the Roman squadron: that is, at the end of 464 (470): but in this year C. Fabricius was already making war upon the Samnites with the Lucanians.

[51] Auct. de vir. ill. 33.

[52] Valerius Maximus, I. 8. 6.

relieved by the battle; and of this the statue, which the grateful Thurians erected to the consul[753], is a sufficient proof: the general of the allies was taken prisoner; but the number of those taken with him, and still more that of the slain, is probably only a little more historical than the above-mentioned vision. Besides this principal battle Fabricius gained many others, and important ones, over those allies and the Samnites, conquered many towns, and obtained booty so much richer than probably any Roman general before him, that, after much had been given up to the soldiers, and the tribute which the citizens had paid for that year, had been returned them, he brought into the treasury the value of more than four hundred talents[54].

Thurii which had retained a Roman garrison, was deprived of all communication with Rome, except by sea, as soon as the Roman army had abandoned Lucania. To maintain this communication by ships of war, was, it is true, forbidden by the treaty with Tarentum, in virtue of which armed Roman ships were not allowed to advance further through the Sicilian straits than the Lacinian promontory: but this treaty might not have appeared binding any longer, since none can last for ever, and within the last twenty years all circumstances were so changed, that Rome would now never have undertaken such an obligation; perhaps the hostile disposition of Tarentum was so clear, that it was no longer worth the trouble of depriving it of a pretext; at any rate the necessity of supporting Thurii outweighed every other consideration. There was a Roman squadron of only ten triremes in those seas under the duumvir L. Valerius, and the Tarentines had complained so little about this as a breach of the treaties, that

[753] Pliny, H. N. xxxiv. 15.

[54] Dionysius, Exc. leg. p. 2344. 2355. If the numbers in Livy, x. 46, and the reduction of Dionysius could be answered for, this would be almost eight times more than L. Papirius brought from Samnium eleven years before, without having repaid the tribute: but here there is no safe ground any where.

this small fleet steered without any suspicion towards the great harbour, in order to cast anchor there. The theatre at Tarentum, as every where else, lookt over the sea: unfortunately the people was assembled there, perhaps on public business, not to see a spectacle[755]: and the sight of the ships of a hated nation, the approach of which now seemed a premeditated insult, excited general indignation, which even a contemptible demagogue might have turned to an unfortunate enterprise. The infuriated multitude threw itself into the galleys, and began an attack upon the Roman ones, which unprepared for resistance took to flight: but only five escaped: the others were cut off, four were sunk in the harbour itself and one was taken. The duumvir met his death on the sea with many others: the captains of the vessels and the marines who were taken prisoners, were murdered, and the rowers made slaves.

Thereupon they sent a force against Thurii, to which the unfortunate town, now deprived of support by sea also, opened its gates. The Roman garrison was dismist: but,— as if to inflict an exemplary punishment upon a Greek town for having called in the aid of barbarians, and for having become the cause of the Tarentine sea being disturbed,—the most distinguisht citizens were sent into exile, and the town plundered[56]. This happened in the consular year 464 (470)[57], but the change of the magistrates at that time occurred at the earliest in the middle of April[58]: and

[755] (Later note: N B. Dionysia: Dion.)

[56] Appian, Samn. VII. p. 57. It is probable that Strabo in relating this misfortune (VI. 13, p. 263) had only a somewhat wrong recollection: otherwise Thurii during the war against Pyrrhus would have been taken by the Lucanians and its inhabitants led into slavery, but afterwards been brought back again; for in the Hannibalian war it exists as a Greek town.

[57] Orosius, who is always six years behind the common chronology in this period, expressly states the year 464: and Dionysius places the sending of the embassadors before the consuls of the year 471 entered upon their office.

[58] This is proved by the triumph of L. Postumius on the first of

Fabricius who triumpht at the latest on the third day before the Nones of March[759], had led away his army so early from those districts, that from the time, when his absence encouraged the Tarentines to commit the crime, until the new consuls entered upon their office, there was time enough for the breach of the peace and sending the embassy.

The senate would have wisht very much to avoid a war, by which the whole of southern Italy with all the resources of the wealthiest city in those districts would be united against Rome, while Etruria was still offering resistance: hence the demands were as moderate as the dignity of the republic in any way permitted: namely, to set free the prisoners, and to restore every thing to Thurii or indemnify it for all that had been done; and lastly to surrender the instigators of the misdeed. The last demand would easily have been satisfied by giving up that Philocharis, whom Greek history mentioned with a surname, which shews his complete contemptibleness [60]: but as the Tarentine people were both lightminded and blinded by hate, it was war they wisht for. The magistrates had delayed the hearing of the embassadors before the popular assembly; when at last they were introduced into the theatre, where the people were assembled according to Greek custom[61], their pretextæ excited a rude laughter of hatred, which was renewed as often as L.

April in the consular year 452 (458), and probably by that of Q. Marcius on the same day in 466 (472).

[759] The statement in the Fasti, of which the date only is remaining, probably does not even relate to him, but to his collegue Q. Æmilius Papus, in which case Fabricius would have returned still earlier.

[60] Appian, Samn. VII. p. 56.

[61] The position of the speaker, who can only have stood in the orchestra, and turned his face upwards in addressing the people as they were sitting, is very characteristic of Greek popular governments, and was enough of itself to put the Roman out, who was accustomed to address the people from the rostra.

Postumius who acted as speaker, made a mistake in the language. Insulted and without an answer they were driven out of the theatre; while they were passing into the passage leading from the orchestra to the entrance, a drunken buffoon rusht up to Postumius, and sullied his robe in the most disgusting manner[762]. The whole theatre rung with shouts of laughter and clapping of hands, while the embassador, mindful of the Roman religion, to turn the most disgusting thing into a lucky omen, instead of chastising the offender, called out to him, "we accept the omen, ye give us what we hav'n't demanded." Then he lifted up his sullied robe and shewed it to the people. At the sight of this the laughter became still louder, and many a voice shouted applause and scorned the Romans. "Laugh on," said the embassador, "laugh on, as long as ye can: ye will cry long enough." These words excited bursts of passion: "that ye may become still more enraged," concluded Postumius, "I tell you that this garment will be washt in torrents of your blood"[63].

He shewed it at Rome unwasht: to pass over such an insult was difficult, but to attempt to punish it, seemed to throw them rashly into the greatest dangers. The senate deliberated many a day, before it came to the resolution of allowing the consul L. Æmilius Barbula in 465 (471) to march not against Samnium, but towards Tarentum, with the commission to repeat the terms of peace offered by the

[762] Valerius Maximus, II. 2. 5, follows a milder account (*urina respersus*) than the Greeks manifestly alluded to.

[63] In this account Dionysius (in the excerpta and Appian) and Dion Cassius (also in the excerpta and Zonaras) agree perfectly. Valerius Maximus, on the other hand, had quite a different narrative before his eyes (consequently in Livy), according to which the embassadors were thus shamefully insulted before they addrest the people in the theatre; and, in order not to depart in the least degree from their instructions, which must have prescribed extreme moderation, did not utter even a syllable of complaint of the insult they had received, but only delivered the message they had been entrusted with.

embassadors, but if they should again be rejected, to prosecute the war with energy. Such instructions did not require secrecy, and the ordinance of the senate was sanctioned by the assembly[764].

The Messapians also joined the Tarentines in the league against Rome. Situated at a great distance they had hitherto remained almost strangers to the Romans, and, although they had once been bitter enemies to Tarentum, and were still independent and hostile when Alexander of Epirus came to Italy, they appear during the last half century that had elapst since, and even before the expedition of Cleonymus to Italy, to have become allied with and dependent upon the neighbouring city, whose prosperity and importance reacht its greatest highth during this period.

However moderate the terms might be, on which the consul offered peace, standing on the frontiers with his army, they could have no success. The insult precluded the possibility of reconciliation and oblivion; and when Rome deferred vengeance, this awakened in the Tarentines confidence in the circumstances of the present moment, which might avert for ever the danger that threatened them for the future. It was necessary for the Romans to insist upon the surrender of the guilty, and it was quite an unusual moderation in their confining their demands to the few, who had sinned glaringly and openly; sensible citizens would not have hesitated to allow the blood of those offenders to be shed, although, with the exception of those who were quite indifferent, hatred of Rome must have been in every heart: but they could not bring such a humiliation upon their state; their honour allowed them much easier to renounce it and go over to the Romans[65].

[764] The greatest publicity gave most dignity to the consideration of difficult circumstances. Dionysius, p. 2343, and Appian, p. 58, contradict one another only apparently: the instructions contained real delay.

[65] The account, that the aged and wealthy wisht for peace, the

Even after the peace had been broken by the attack upon the Roman squadron, the expectation of a general coalition from the Bruttians as far as the Gauls was frustrated, and Tarentum was obliged this time to take part in the war with an army. Their object now was to defend their own territory, and the more so, as the Romans had in Venusia a strong rendezvous for their troops near them, and as the Samnites, who were already half extirpated, and contented if no Roman army penetrated into their territories, appear to have undertaken little. It is true we can conjecture but little as to the number of separate enterprises and military exploits, which have disappeared from history with Livy's books, but even if, as may be presumed, a pretorian army[766] on the Liris and Vulturnus acted alternately on the defensive and offensive, yet it is nevertheless clear that the Samnites must have become exhausted, inasmuch as L. Æmilius could carry on war on the further side of Samnium with such enemies as Lucania and Tarentum. Thus the Tarentines were obliged to return to their usual plan of taking a whole army into their pay; and they could not hesitate to choose the nearest and best prepared, that of king Pyrrhus, even if, as seems scarcely possible, another could have been formed at the time. This resolution was taken, when the Roman proposals of peace were rejected, and for the purpose of communicating it, a numerous embassy was sent with presents to Epirus.

They certainly could not conceal from themselves, that Pyrrhus would appear in Italy in quite a different position from even Alexander the Molossian; for even if the wealth of Tarentum had been sufficient to bear all the expenses of

young and the poor for war (in Zonaras, VIII. 2. p. 368), is perhaps nothing more than the application of a common place, which does not apply here; before the Roman squadron was attackt, it might have been applicable. It is true that the wealthy without doubt hated every war; but the experience of the aged must at this very time have made them most inclined, not to sacrifice circumstances: the young men more easily desponded.

[766] In the year 465 (471) Fabricius was probably pretor.

the war, yet a common mercenary engagement could not be proposed to the king of all Epirus, who had not given up the hope of acquiring the crown of Macedonia. It was only the prospect of a kingdom in Italy and Sicily that could attract him, and if at his request a clause was inserted in the contract to the effect, that the Italietes should not detain him longer in Italy than was necessary for their defense[767], yet this could scarcely have deceived the Tarentines. The chief object may have been, not to make the Italian nations uneasy: perhaps a deeper one, to provide, in case of imperfect success, an opportunity of quitting Italy without disgrace.

No reflecting Tarentine could conceal from himself, that his native city would cease to be an independent state; but since it would at the same time have become the capital of a great kingdom, and by far the greater number of citizens in a tumultuous city-democracy, full of disgust at their unworthy rulers, willingly seize upon a change which brings them under the sceptre of personal greatness, it could not have been very difficult to come to this resolution. The prudence of those who cautioned them against giving themselves a master in Pyrrhus, was then very unseasonable; since what had occurred could not be undone. In the further course of this history it is not possible to avoid repeating narratives which every body knows from Plutarch[68], and the disgust of many a reader would not justify their exclusion. Of such a kind is the following. When the Tarentines were discussing, whether Pyrrhus should be invited or not, Meton, a man of some distinction, crowned with a garland and conducted by a female flute player, entered the orchestra of the theatre, where the assembly was held. The unexpected sight raised universal laughter, and the more respectable the man, the louder did they call out to him from all sides with shouts of joy, that he should dance to the flute-

[767] Zonaras, VIII. 2. p. 379. [68] Plutarch, Pyrrh. c. 13.

playing of the girl. "That's right, ye Tarentines," he replied, "that's just what I mean, let us now feast and dance: all will be over when Pyrrhus comes." He who thus mockt, was a selfish citizen. To a friend of his nation, who at all times seeks what is necessary and salutary to it, the iron discipline of a rigorous general would have been welcome, just because such was the state of public morality.

Together with the Tarentines there went embassadors from the Italietes,—perhaps from all the towns, with the exception of Rhegium and Elea,—to invoke as Greeks the protection of the king, who, though ruling over barbarians, belonged to them not only by language and manners, but also by his family, which was traced back to Achilles according to a tradition that was not doubted; while in Greece proper the heroic families, with the exception of Sparta, had become extinct. It does not however appear that embassadors from the Italicans accompanied them, but that the Greeks offered to the king the forces of their native allies.

It may also be, that contemporary historians mentioned, that Pyrrhus as an Æacid felt himself called to the war against the descendants of the Trojans[769], and was therefore deceived by anticipations of victory.

It was the custom of Greek democracies to elect for such embassies, along with those at whose proposal the decree was past, the leaders of the opposition also: in this way the latter were removed, so that they could not effect during the absence of their adversaries the repeal of the decree that had been made: it was perhaps also done to set some limits to the misuse of the embassy for factious objects and the most disgraceful avarice[770]. Pyrrhus

[769] Pausanias, Attic. c. 12.

[770] Thus Demosthenes was sent to king Philip. Such embassies were then only profitable to those who sold themselves outright, or cheated in rendering an account of their expenses; the hospitable

therefore had good reasons,—and such a course was welcome to his partizans, the ruling party at Tarentum,—for retaining the greater number of the embassadors under various pretexts, as if for prosecuting the preparations for the war: probably as companions of those persons whom he himself sent to the courts, which he called upon to support his undertaking. He who had himself, like his father, been driven away and called back again by the fickleness of the Molossians, to whom a caprice of the soldiers had given the throne of Macedonia and taken it away again, required sureties that the kings of the Macedonian empire would not during his absence deprive him of his hereditary dominions: and these sureties would have strengthened his military resources, which were insufficient for the conquest of Italy. The account[771] therefore, that he begged of Antigonus to lend him ships for his passage, of Antiochus money, and of Ptolemy Ceraunus troops, is in itself quite credible: and there was no want of strong motives, which embassadors even less persuasive than Cineas might have urged with success. Ptolemy had no other security for the throne of Macedonia than his intrepidity in war and crimes: as the murderer of Seleucus he was at war with Antiochus: as possessor of Macedonia with Antigonus, who derived an hereditary right from his father's usurpation, which was lost after a few years, and who was in reality king of Greece. By taking part in this contest Pyrrhus could in all probability decide the question. Then on the other hand the advances of the Romans to the complete soverainty of Italy had been so rapid for the last twenty years, and the experience of sudden catastrophies in great empires had become so frequent, that an attempt at breaking this fearfully growing power must already have been regarded, at least in Macedonia and

presents were not of a money-value like those the exchange of which has caused so many a treaty to be concluded.

[771] In Justin, XVII. 2.

Greece, as a national affair. Still Justin's narrative seems to point out, that it was only Ptolemy Ceraunus who complied with the request, and he is said to have lent him for two years 5000 foot-soldiers, 4000 horsemen and 50 elephants. If this statement deserves credit[772], this auxiliary force would have followed afterwards as a reinforcement, since the number of the cavalry and elephants far exceeds that which the king carried over to Italy[73].

The consul L. Æmilius, as soon as the decree was past to invite Pyrrhus, had meanwhile carried on hostilities as actively as he had forbearingly avoided them before. The distress of the open country led the Tarentines to attempt resistance in the field: they were thoroughly beaten, and the Romans took several fortified places. The battles must have been of importance, for the title of the triumph speaks of the Tarentines also, and when Æmilius treated the prisoners kindly, and dismist some of the most distinguisht without ransom, distress and fear so obscured the consciousness of the real state of things, that Agis, a friend of the Romans, was appointed general with unlimited power. This election had just taken place, when Cineas with some of the embassadors whom the king had dismist, arrived at Tarentum; and immediately the appointment of Agis was annulled[74].

Soon afterwards Milo landed with three thousand Epi-

[772] That the epitomist did not misunderstand Trogus, is clear partly from XXXVIII. 4, and partly from the prologue XVII. Ptolemy may have been glad to get rid of the veterans of Lysimachus as untrustworthy: and this may have increast the inability of Macedonia to resist the Gauls.

[73] Pausanias also says, that the elephants which Pyrrhus carried to Italy, were those taken from Demetrius. Attic. c. 12.

[74] Zonaras alone has preserved this and many other particulars of this war: it is only to be regretted, that his topography is so defective, because he omits the names of places which are unknown to him. I take his history as my foundation, and shall only quote it specially, where the other accounts differ from it.

rots[775], and placed them in the Acropolis. The Tarentines, delivered thereby from having soldiers quartered among them, were delighted, and willingly left to the foreiners also the defense of the walls, for whom they readily provided.

But Milo did not confine himself to the defense of the city: when L. Æmilius, after the winter had set in, was retreating from Lucania[76], in order to quarter his troops in Apulia, he attackt in conjunction with Epirots and Tarentines the Roman army in its march laden with booty, at the spot where the road ran by the sea-side at the foot of inaccessible mountains. Here the Tarentine fleet lay at anchor, ready to fire at the long column with its artillery[77]. The whole army would then have been annihilated, unless a way could be forced across the mountains with the sacrifice of the baggage; but the Tarentine commanders could not make up their minds to let the artillery play, when they perceived that the Romans caused the numerous prisoners, and among them many of their fellow-citizens, to march with the column in a long line in such a manner, that they formed the first aim of the artillery.

Æmilius had the command prolonged as proconsul; he

[775] The number of this first division of troops I take from Plutarch, who however states that Cineas led them over and knows nothing of Milo. This is undoubtedly nothing but an oversight made in haste: and in Zonaras, p. 369, which might be quoted in support of Plutarch, there is only a slip of the pen, προέπεμψε σὺν στρατῷ instead of πρ. τῷ στρ.

[76] In Frontinus, Strategem. I. 4. 1, *in Lucanis,* must undoubtedly be read instead of *in Lucanos:*—according to Zonaras and internal evidence. The season of the year is determined by the presence of Milo, and then the Romans could not have undertaken a march into Lucania.

[77] The use of artillery was general among the Greeks of southern Italy and Sicily even as early as this time: Agathocles had engines that threw stones before Hipponium and Croton. Diodorus, XXI. Ecl. 8. p. 491. The Romans did not use artillery for a long time afterwards.

returned to Rome in the month of Quinctilis with the honour of a triumph, of which the title attests, that he had also gained victories over the Samnites and Sallentines. That he triumpht without soldiers, is just as improbable, as it is incredible that, when Pyrrhus had perhaps already landed, legions should have been withdrawn from the scene of war, in order to afford themselves and their general a triumph: but the order of succession too in the Fasti[778] confirms the conjecture, that the Quinctilis of 467 (473) is to be understood, so that Æmilius retained the command for more than a whole year after the end of his consulship, and his troops remained assembled under him in southern Italy. His victories over the Samnites occur perhaps in this time.

[776] Where his triumph is recorded after that of Coruncanius.

EPIRUS AND PYRRHUS.

THE whole country opposite Corcyra and the Cephallenian islands, from the Acroceraunian rocks as far as the Rhion, bore the name of Epirus, or the continent, in contradistinction to those islands, in ancient times and even during the Peloponnesian war[779]. It was not till later, when Ætolia and Acarnania had come forth from their obscurity, and most tribes north of the Ambracian gulph had been united into one kingdom, that the narrower geographical signification of the name arose, which supplanted the former one, and it now became customary to call Epirots[80] the inhabitants of that country, who were not Greeks, especially those who formed that state.

These Epirots were no more Greeks than the Sicelians: Thucydides expressly calls them barbarians[81], and even Polybius, without using the harsh expression which had become more unusual in his time, says distinctly, that the Epirot tribes which were united with the Ætolians, were not Greeks[82]. They were however by no means,

[779] Thucydides places the Acarnanians, Ætolians and Ozolians in Epirus, I. 5, and reckons the Acarnanians among *πᾶν τὸ Ἀπειρωτικόν*.

[80] In their dialect they called themselves (as on coins) Apirots and their country Apirus: and the Romans of course did the same, until the language of books gained the upper hand.

[81] II. 68 and 80.

[82] II. 7. 4. (Compare however vol. I. p. 30.) In the same manner Scylax and Dicæarchus also fix the limits of Hellas so as to exclude Epirus.

like the Thracians or Illyrians, quite foreign to the Greeks, but rather a kindred people: so that he who paid most regard to affinity, might in certain respects consider them as Greeks[783]; and that they were reckoned among Greeks in later times, must surprise us all the less, inasmuch as this honour was confered upon the people in western Asia, among whom the Greek language had become predominant in business and society, since Carians and Lydians past at Rome as Greeks, and were admitted to the Olympian contests.

I have already endeavoured to render probable, that the Epirots, to recognise them as a true race of the perplexing Pelasgians, were of the same stock as the Œnotrians and Peucetians, and that Chaonians lived on both sides of the Ionian sea[84]. It was because they were Pelasgians that their language differed from the Greek; and was yet akin to it, much in the same way as the languages of Afghanistan and Persia. Yet it is scarcely credible that they themselves should have called their nation Pelasgians; however certain it may be that the interpretation of this name as an appellation is a chimera: and how could it be that they had no native name to distinguish them from the Hellens? Aristotle says, that the Hellens were called Græci, when they dwelt about Dodona: and the riddle, how it came to pass, that the Romans and undoubtedly the Italicans in general, used the name of Graii and Græci, may perhaps be solved by supposing, that the Pelasgians in Italy like those about Dodona called themselves thus, and that this name was customary in Italy, even before

[783] In the same way as Herodotus places the Thesprotians in Hellas, II. 56, and mentions the Molossian Alcon among the Greek suitors of Agariste, VI. 127. (Compare vol. I. p. 27.) Were the Italietes, whose blood was so much mixt, less strict on this point? N. B. *Ennius Graius homo.*

[84] Vol. I. p. 30. Moreover a river Acheros and a town Pandosia occur in both countries. (Vol. I. p. 58.)

Hellenic colonies settled there, which did not appear to the Italicans to be a different nation[785].

Of the fourteen Epirot tribes, counted by Theopompus[86], thirteen may be enumerated with certainty[87], which inhabited the country from the highth of Pindus, that separates the course of the rivers towards the two seas, and from the Tmarus to the Ionian sea, or rather to the Greek territories and towns which divide them from it[88], and which beyond these mountains occupied the valley of the Aous and the uppermost parts of the Haliacmon.

The northern districts, of the Atintanians towards Illyria and of the Orestians towards Macedonia, are forein by nature to the rest of Epirus: and the Orestians, although they took part as late as the Peloponnesian war in a common undertaking, were afterwards at least quite separated from Epirus and united to Macedonia, but as a forein people which strives to disengage itself[89]. The Ceraunian mountains afford for the most part only forest-pasture, even where they do not consist of barren rocks: Thesprotia, Molossis and the valley of the Arachthus, are not inferiour to the most fertile districts of Greece in every kind of riches, from the Alpine pasturage down to the gardens of the most southern fruits. But under Thesprotia volcanic fire is burning, which was choked up two thousand

[785] (Compare vol. I. note 162. The details, which are repeated here and above from the first volume, could not be torn from their context by the hands of a stranger, since the author himself would have remodeled the whole.)

[86] Strabo, VII. 7. 5. p. 323.

[87] Chaonians, Thesprotians, Cassopians, Molossians, Atintanians, Orestians, Æthicans, Tymphæans, Parauæans, Athamanians, Amphilochians, Agræans, Apodotians.

[88] The Acarnanians are later than the Trojan war, and may perhaps have emigrated to that country from Peloponnesus, in consequence of the Dorian conquest.

[89] Hence they also joined the Romans, and through them obtained their separation from Macedonia.

years ago just as it is now: earthquakes follow one another often every day: the thunders and storms of the Ceraunian mountains seem to rise from the bosom of the earth: the water of the Acherusian lake sinks into subterraneous caverns, and a part seemed to remain in the lower world. The deep muddy soil, which the rivers have formed by pushing forward their mouths, is extraordinarily fertile, but unwholesome. The beauty of the Epirot oaks is still distinguishable, notwithstanding all the ravages of the forests by barbarians: and the race of the Molossian dogs has been preserved, while that of the ancient Epirots has been suppress in the greatest part of the country even to the last traces by new immigrants, and like them, the oxen have disappeared, whose stately beauty was admired in antiquity.

Scylax, Philip's contemporary, knows in these countries no other towns than the Greek ones establisht on the coast: of the Epirots (except the Amphilochians), he says, that they lived in villages. This statement is not refuted by Pouqueville's discovery of a great number of Cyclopian walls around hills and the tops of mountains. According to the statements of this describer of the country it is clear, that these places surrounded by walls have a very small circumference, and are only to be regarded as *arces*, in which men and property found safety. Nor have there been found any where traces of temples and civic buildings, so that the places within the ring had no claims with Greeks to be called towns[790]: and where durable public buildings were wanting, the private dwellings were certainly perishable and the whole life unartificial, as with the Samnites: there also appear no genuine Epirot coins older than Pyrrhus. But this simplicity did not render them nobler: the few solitary features, appearing in

[790] The ruins of Phœnice and those which are considered to belong to Passaro, are, it is true, of a different kind: but the former belong notoriously, and the latter without doubt, to a later time than that in which Scylax wrote.

the darkness which covers their history, disclose a nation which in avarice, savageness, bloodthirstiness, and faithlessness resembles the Illyrians, who have now taken possession of the greatest part of their country[791].

Each of those fourteen tribes was independent, unless one raised itself to the supremacy among a greater or smaller number. Such a superiority the Thesprotians may have enjoyed in very ancient times, among whom was the oracle, and by whom Thessaly had been conquered: subsequently in the Peloponnesian war it was enjoyed by the Chaonians[92], and at last by the Molossians. This supremacy however extended over the whole nation, only when the government of Pyrrhus was firmly establisht, and at the utmost under his son and heir Alexander, and even then belonged only personally to the king: in this manner the republic of the Epirots after the extinction of the royal house of the Æacids consisted only of the nations west of the Arachthus and south of the Tmarus.

The kingly government had remained in several tribes: in the Peloponnesian war besides the Molossians, it existed at least among the Orestians[93], and still later among the Æthicans[94] and Athamanians[95]. Among the Thesprotians where Heraclids had once ruled, it had become extinct in those earlier times; and in the same manner among the Chaonians: but among the latter, as at Athens and Corinth, after the kingly dignity had ceast, the eligibleness for the

[791] Polysperchon, Milo the elder, the murderers of the princesses, Charops.

[92] Strabo, VII. *T.* 5. p. 323, compared with Thucydides, II. 80, where the Chaonians negociate with Sparta on behalf of all the Epirots (the Amphilochians of course excepted).—Even the verse of Aristophanes, Equitt. 78, points to the importance of that people. Compare the Scholia.

[93] Thucydides, II. 80.

[94] Polysperchon was king of this people, which conferred upon him less dignity than the rank of a Macedonian general.

[95] Amynander at the time of the last Philip.

magistracy which supplanted it, was confined to a particular family[796]. It is well known that the power of the Molossian kings was very limited: hence their dignity was retained there[97], while it was abolisht among the other tribes: and at Passaro the king and the people swore mutually, perhaps every year, to rule and obey according to the laws[98]. But such oaths do not prevent the most violent exercise of princely power; without an authority possessing power to watch over their preservation, they only render resistance and rebellion legitimate. That Aristotle could compare the kingdom of the Molossians with that of the Spartans, presupposes a council, which arose simply, when the heads of the families met together; just as down to our days the capitani of the Phares in the same Epirus. It is only the development of such an assembly that is to be understood, when we are told that Tharryps, who was educated at Athens at the beginning of the Peloponnesian war, and adorned his nation with Greek civilisation and gave it laws, instituted a senate[99]. A free constitution without an assembly of the people is inconceivable in antiquity, and we see such an one and the whole fulness of its power, when Æacides was deprived of his dignity, not by a rebellion, but by a common decree of the people[800]. Before a military prince such liberties and rights disappeared, like those of the Franks and Goths and Norman barons; but just as little as these, did the Epirots feel themselves slaves, when Pyrrhus ruled over them with absolute power.

Living between Rome and Greece, the Epirot Pelasgians had unquestionably the same fundamental political institutions, gentes and tribes; and when the Pyrrhids, the royal

[796] ἐκ τοῦ ἀρχικοῦ γένους, Thucydides, II. 80.

[97] Aristotle, Polit. v. 11. [98] Plutarch, Pyrrh. p. 385. c.

[99] Justin, XVII. 3, who only confounds the lawgiver with his grandson Arymbas. Compare Plutarch, Pyrrh. p. 383. c.

[800] Diodorus, XIX. 36.

house of the Molossians, traced their descent back to Neoptolemus, this is nothing more than similar descents from Hercules, Numa or Pythagoras at Rome: although Pindar also knows the tradition respecting him, that he occupied the rich cattle-pastures from Dodona as far as the Ionian sea [801]. It would be idle labour to examine, whether tradition did not here, as elsewhere, experience in an inverted direction the repetition which so frequently occurs, and whether the conquering emigration of the Thesprotians to Thessaly was not reflected as an emigration from Phthia to Dodona. In the neighbourhood of the Molossians there appears one of the manifold forms of that tradition respecting an emigration of surviving Trojans, which the conquerors permitted, to the countries of the west, and this stands upon ground quite as certain as that of the Æacids, and is connected with the popular genealogy of the Cestrinians, as the former is with that of the Molossians. No one is prevented from maintaining possibilities, but it is certainly most probable, that both nations, perhaps at a very early time, endeavoured to connect the genealogies of their princely houses with the most illustrious heroes of the Trojan time, far beyond the Hellenic period: the godlike hero Aspetus, the native founder of the house of the Pyrrhids, is thus interpreted as Achilles [2]. But as the Roman genealogy, which connected Romulus with Æneas, did not reach up to the Trojan times by several centuries, so in the Epirot genealogy also, which reckoned Tharrys as the fifteenth from Neoptolemus [3], more than two centuries and a half are wanting according to the Alexandrine chronology [4], even if

[801] Pindar, Nem. VII. 38.

[2] Plutarch, Pyrrh. p. 383. c. The later we come down, the more is the tradition made a shew of, nay played with: from the time of Alcetas almost all the names of the royal family contain allusions to it.

[3] Pausanias, Att. c. 11.

[4] As the Roman gap is filled up by the invention of the Alban

we take the common calculation of generations, which makes them much too long.

Pyrrhus was born about seven years after the death of Alexander the Great in 430 (435) (Ol. 115. 3), and was the son of Æacides and Phthia, daughter of Menon of Pharsalus, who distinguisht himself among the Greek generals in the Lamian war, the last attempt to restore the independence of ancient times and manners[805]. His father had at length obtained, after the death of Alexander the Molossian, the kingly dignity, which was due to him as the heir of the elder line; and he accompanied his relative by blood, queen Olympias, on her return to Macedonia; and when fortune decided against her, he was obliged to pay dearly for her inhuman acts. During the tumult of the revolution, when he himself was obliged to fly for his life (Ol. 116. 1) 432 (437), Pyrrhus then two years old was rescued with great difficulty by faithful servants; and the resolution of the Taulantian king[6] Glaucias to protect the child, which the providence of the gods had entrusted to him, was magnanimous, as Cassander ruled far and wide without a rival, and sought his life with threats. For an Illyrian, from whom descend the venality and rapacity in the character of the Albanese, the prize of an enormous sum was certainly a far more dangerous temptation than terrour: but Glaucias did not swerve from his fidelity; and

kings, in like manner some one has endeavoured to remedy the Epirot chronology by making Pyrrhus the twenty-third descendant of Achilles, which still does not suffice. (Porphyry, in Eusebius's Chronic. 1. p. 329. ed. Ven.)

[805] The Achæan state belonged to a new order of things, which, as an attempt to live peaceably and quietly in the midst of violence, could never be permanently realised; the Ætolian soverainty was worse than the Macedonian, and the success of Cleomenes would have establisht a Greek kingdom, which would have been of all others the most odious to envious vanity.

[6] That he ruled over the Taulantians, is clear from Arrian, Exped. Alex. 1. 5.

while Æacides returned, perisht in the war against Cassander, and another ruler rose in his stead, Pyrrhus grew up to his twelfth year with faithful foster-parents. At that time (Ol. 118. 3) 441 (447) Demetrius made his appearance in Greece, and the insurrection against the tyranny of Cassander, which it produced at Athens and thence extended to many other places, gave courage to the Epirots also; Pyrrhus was restored, and the kingdom governed in his name by guardians: but when Demetrius was obliged to withdraw his forces from Greece, in order to assist his father in the war, which terminated so unfortunately for them at the battle of Ipsus (Ol. 119. 4) 446 (452), Cassander, before he followed his adversary to Asia, drove the youth whom he hated out of the land of his fathers[807]. Pyrrhus then shared the fortunes of Demetrius, the husband of his sister, in that decisive battle, maintained for him the remains of his soverainty in Greece, and went for him as hostage to the Alexandrine court, when Ptolemy had become inclined to a reconciliation. Here his better fortune began; the queen Berenice gave him Antigone[8] in marriage, her daughter by her first marriage, and induced her husband to provide him with a fleet and money, and send him back to his paternal kingdom. He agreed to reign in common with Neoptolemus[9], who was then king. Mutual

[807] The connexion of the events of Pyrrhus's life with the great occurrences of history is not mentioned by those who have related the former, but is not the less evident on that account.

[8] Antigonea in Chaonia, close to the defile, has unquestionably received its name from this princess; the Macedonian kings ruled in these districts at least only for a short time. Pyrrhus moreover founded a town Berenicis, on the Epirot Chersonesus, in honour of his mother-in-law. Is this Chersonesus the peninsula in the lake of Jannina?

[9] Probably Alexander's son, as Plutarch states previously, that the Molossians had raised the family of Neoptolemus to the throne: —and it would have been the common change of the name from the grandfather to the grandson: still I must own, that it is just in the royal house of Epirus, that this alternation does not occur as a rule.

suspicion and mutual hostility must have terminated this connexion by a catastrophe; if Neoptolemus was, as is related, savage and cruel, the representation, that he deserved his destruction, which would in any case be favorable to the successful party, is indeed probable enough. This occurrence may probably be reckoned as the real beginning of the reign of Pyrrhus; it is placed in the year 451 (457) (Ol. 121. 1) [810]. Such a common government could only have been of very short duration, and it is clear that the return of Pyrrhus was not possible till after the death of Cassander, whose empire was weakened by the feuds of his heirs. Nay when Pyrrhus had firmly establisht his soverainty, fortune so changed affairs, that one of the sons of his implacable persecutor was obliged to implore of him protection against his own brother in order to save his life and crown. As the price of this, the youth Alexander gave up all the districts and places, which the Macedonian kingdom had acquired since the time of Philip west of Thessaly and south of Epirus, and by which he had hitherto kept the Molossian state dependent: namely, Acarnania, Amphilochia and Ambracia, the greatest of the Greek towns in those districts, which Pyrrhus chose as his capital and embellisht with monuments; and of the countries united with Macedonia, the Epirot Tymphæa and Parauæa [11].

[810] Velleius, I. 14.

[11] Even Palmerius corrected in Plutarch (Pyrrhus, p. 386. b.) Νυμφαίαν into Στυμφαίαν: in which name Στ and Τ have equal authority: but I further change with equal certainty Παραυίαν into Παραλίαν. It is thus that Arrian, Exped. Alex. I. 7, speaks of these two countries together, along which Alexander marcht out of Illyricum to Pellina,—that is he left them on the right: in Tymphæa was the mountain which divides the courses of the Aous and Arachthus, and the latter flowed through those two nations, the possession of which united Macedonia with Ambracia. The Παραλία of Macedonia would be Pieria, Bottia and Chalcidice. The distinction here between the real country and the acquired provinces (ἡ ἐπίκτητος) is remarkable: since the Epirot countries too were modern acquisitions. We must therefore conclude that in Macedonia also a union some-

Pyrrhus now undoubtedly assumed the title of king of the Epirots: and now was formed that alliance with the Ætolians bordering upon his extended kingdom, which, as long as he himself and his son Alexander lived, continued unbroken. Thus allied the two states were strong enough to resist Demetrius, as king of Macedonia, and the dependent countries, and to compel him to a peace which Pyrrhus kept sacred, until the former accepted the hand of his wife Lanassa and her principality of Corcyra[812], the conquest of her father Agathocles, which she withdrew from Pyrrhus with her marriage, and thus threatened Epirus by such a rendezvous for his arms. The Macedonians deserted the unfeeling and scornful fantastic man in order to submit to a hero full of humanity, and Pyrrhus would have firmly establisht his throne in Macedonia for himself and his descendants, had not the fear of being obliged to contend for the empire with an insecure power against the veteran companion of Alexander led him to agree to the division which had been craftily proposed. This must have brought upon him the hatred of the ever vacillating Macedonians, and after a few years Lysimachus deprived him of his portion of the country[813]. We do not know, whether any part

times took place, and sometimes not, in consequence of which the people of countries which were acquired, was joined to that of the ruling kingdom: consequently it was not all the subjects who had equal rights.

[812] Principalities which queens possess apart from their husbands, are common in the Macedonian time: Cassandrea belonged to Arsinoe, and Corinth to Nicæa.

[13] Both the canon of Eusebius and the extract from Porphyry place the beginning of Lysimachus's reign in Ol. 123. 2: and it is not improbable that even Porphyry, when he reckons the duration of Pyrrhus's reign until then at only seven months, was of opinion that he had been expelled again entirely as early as that time. But this cannot be: his expulsion did not take place till after Demetrius had been defeated in Syria and had fallen into the power of Seleucus: consequently after Ol. 123. 4. Plutarch, Pyrrh. 390. a. Pausanias, Attic. c. 10. 2. The years of Lysimachus's reign in Macedonia were reckoned even from Ol. 123. 2.

of Thessaly remained to him, and how long he was confined to his native kingdom; and whether he had remained quiet during such a time without undertaking anything, when the Tarentine embassadors invited him in the year 465 (471) (Ol. 124. 3).

When Pyrrhus crost over to Italy, he was thirty-seven years old: the most favorable age for great undertakings, when the fire of youth still glows undiminisht, and an active life has already produced all the consideration and circumspection, the want of which leads men of younger age into danger. That time possest nothing which was permanent, and one change prest upon the other: the hereditary soverains, princes and nations, were deprived of their supremacy: the usurpers themselves were the sport of fortune: and Pyrrhus united the advantages of an education in such a period with those of a princely birth. It is not merely to us in the present day, that he appears the only kingly personage among the upstart princes of that time:—whence he remained unstained by the crimes which are unavoidable or common in usurpations:—but the possession of the diadem was the reward of his own abilities. As a tender infant snatcht from the hands of murderers, as a youth dependent upon the courts of the new kings, he had past many a year in circumstances, where the restoration of his rights depended on the goodwill of strangers; in these he formed for himself the art of winning and swaying every one who approacht him. By such fascinations he attracted forein nations, and awakened in them the desire of having him as their king; but his whole talent was directed to isolated objects; and it was only acquisition that had charms for him: he was greater in battles than in campaigns[814]: and as he got over almost thoughtlessly the disappointment of a failure in an undertaking, having confidence in his power of proving his art

[814] *Pyrrhus unicus bellandi artifex, magisque in praelio quam in bello bonus:* Livy, in the Fuldian manuscript of Servius, ad Æn. 1.

and genius in every new battle, so he was annoyed by every exertion to retain followers he had once gained, and would rather let them go again. It was the carelessness arising from the consciousness of his powers. To enjoy them in exercise was his only object: such conduct is not censured in others: and therefore it is unfair to demand of the artist in war, that he alone should strive after the attainment of a result which lies beyond his sphere. To enjoy a state of peace was then impossible: there was one calling, which might have conferred the greatest blessings and which Pyrrhus did not follow, namely of being the defender of Greece against the northern barbarians; but at the first invasion of the Gauls he was absent as the defender of the Italiete towns; and the fickleness of the Macedonians afterwards prevented his forming the empire, which it was necessary to unite for that purpose.

The upstart princes of that time were surrounded by flatterers and parasites. Pyrrhus had friends, and sued for the hearts of the best: his proposals to Fabricius cannot have been invented, and who among the other kings had a Cineas? They had mortal enemies in their own families, and traitors in their courts and armies: Pyrrhus's household was happy, and the fidelity of his Epirots spotless[815]. He was grateful to his people, and thankt them warmly for being what he was through them: and yet they had expelled his father and himself, and had wisht to take his life, when he was living in tender innocence. When he had learnt to know the Romans, and found them different from what he had represented them to himself, or had suspected that a nation could be in his time, he forgot that war made them his enemies, he glowed with emotion, and fancied he could win them by giving expression to the feelings of his heart: just as it is sweet for a lover to humble himself and assign a superiority to his beloved, so he assigned to the Romans in the inscription upon the trophies, when they

[815] The physician was an Ambracian.

related to the battle of Heraclea, a claim to the victory which they themselves could not make, and when they had reference to the whole war, it did not grieve him even to be conquered by such enemies.

It was only as a general that he demanded blind obedience: as a king he pardoned even unbecoming liberty. His ability as a writer may have been limited to the style of a man of business: but he who had such inscriptions of victory engraven under his name, had assuredly a heart for poetry.

Two deeds are the disgrace of his life: yet it may be possible to regard the murder of his fellow-king as an act of self-defense: for his dissimulation towards Sparta there is no excuse, for the Spartans entertained no hostile thoughts against him. But fate was already drawing him on to his ruin; there are scarcely a few solitary saints that have remained quite pure from the influence of a profligate age; and there have been none more vicious than that Macedonian one.

The forces with which Pyrrhus undertook the war, were by no means insufficient. He himself, after previously sending 3000 soldiers, led 20,000 foot-soldiers, 3000 horsemen, 2000 bowmen, 500 slingers, and 20 elephants[816]: among these were Ætolian and Illyrian auxiliaries[17] which friendship supplied him with, and Macedonians[18] lent him for other reasons: among the rest, there was certainly a greater number of hired mercenaries than of troops levied in his own dominions. Plutarch's statement respecting the troops, which the Tarentines and the Italian nations had declared to the king that they could muster, namely 20,000 horse and 350,000 foot, although it may be derived from Hieronymus, has perhaps no historical truth in it at all; the number of the infantry

[816] Plutarch, Pyrrh, p. 391. f.

[17] Dion, fr. 39.

[18] The fact that the numbers in Justin, XVII. 2, may be wrong (see above note 772), does not permit us to doubt the main fact, that Ptolemy Ceraunus afforded succours.

at least sounds incredible: or if it is not taken at random, it may easily be that here, as in similar statements on the Roman side, the census-rolls and the muster-rolls are confounded. The Etruscans were distant allies, who were at least to divide the strength of Rome, and of these it may have been credible, that the subject towns would again revolt: and in calculating one's strength for such an undertaking, one also adds those whose desertion from the enemy appears probable. This expectation of the enemies of Rome was the more justifiable in regard to many places on which the lesser franchise had been imposed, and to injured people under the protection of Rome, inasmuch as the Romans themselves sought to secure the obedience of suspected places by garrisons and the delivery of hostages. Among the towns whose hostages were taken to Rome, was Prænestè, whose revolt in the second Samnite war had undoubtedly been followed by a heavy vengeance, the wounds of which were still fresh and smarting: and the keeping of their senators in the ærarium removed the brilliancy of a promise of their native oracles, that the Prænestines should one day occupy the Roman ærarium[819].

The Campanian legion was the eighth in number, and a greater number had not been raised even in the year 451 (457): but in it the troops of the allies and the protected nations were not contained. The Frentanians distinguisht themselves in the war, and, like them, the Marsians and their kindred nations were unquestionably under the Roman standards. In the year 466 (472) the consul of the previous year, L. Æmilius Barbula, carried on the war against the Samnites, while P. Lævinus with the consular army had marcht against Pyrrhus and Tarentum[20]: Coruncanius with the second consular army concluded the

[819] Zonaras, VIII. 3. The caverns dug into the Capitoline hill were, like the Lautumiæ, fit for keeping prisoners, as well as for accumulating masses of copper.

[20] This is clear from L. Barbula triumphing later than Ti. Coruncanius.

war in Etruria: that two reserve-legions were assembled near Rome, was in accordance with the system followed in times of dangerous wars; there were thus eight legions altogether.

It was not the number of the hostile hosts, which made this war formidable,—with the Gauls far more numerous armies had assembled near Sentinum,—it was Pyrrhus himself and his tactic. The Macedonian and the Roman tactics had both obtained then their highest perfection, and were as yet any thing but antiquated: both met together here, the former under its greatest master, the latter at least only once under a general of undoubted distinction. This is the place for describing and comparing the two; a dissertation, which will not be superfluous for our time in consequence of the excellent treatise of Polybius, which to us, as to his contemporaries, is not quite clear without various investigations, and which also is not composed from exactly the same point of view that we are obliged to take.

THE ROMAN AND MACEDONIAN TACTICS.

THERE are only two kinds of tactic, between which various modifications occur; that which calculates upon the individual warrior, and that which builds upon masses; so that in the former the mass with its dead weight does not appear at all and is taken no account of, and in the latter the individual vanishes as insignificant. The extremes of these two kinds are represented by the Homeric heroes, and those swarms of Cimbrians who were held together by chains. The remarks however which will be made upon this subject refer properly to the infantry; respecting the cavalry, for which many things are different, I shall say a little afterwards.

The tactic of barbarians begins with masses: many people have never gone beyond them; others have returned to them again: that the Romans had no other system in the infancy of their military art, is clear from the celebrated passage in Livy, and even from the arms of the hoplites of Servius Tullius. This system was entirely Greek, and in the time of Pisistratus there was unquestionably not the slightest difference between the Roman and Greek tactics. It remained among the Greeks to very late times; the Romans broke up their arrangement very early, long before this time, and changed their arms. It is said that they borrowed them from the Italicans[821]; whether

[821] Sallust, Catil. c. 51. (See above, p. 99.)

this be so, cannot be ascertained in any way; but so much is certain, that the Italicans were at this time armed and drawn up like the Romans [822].

I know of no more brilliant proofs of confidence in oneself and one's countrymen than renouncing the help and protection of the masses, in order to develop living individuality in the apparent helplessness of isolation, even against masses and animal power. Of this scarcely an idea occurred to the Greeks when Iphicrates formed his peltasts, a species of troops which remained without being further improved; and this was at Athens: the Spartans never thought it possible to free themselves from the old routine, which experienced the misfortune of Leuctra just as much as the glory of Thermopylæ. But when the Romans had once begun to change their defensive weapons, to introduce among a part of the infantry a formidable missile instead of a spear, to raise the sword to an importance never thought of by the Greeks, they gave to that which was new and better a sphere that was continually increasing. The names of the hastates and principes shew, that there was a time, when the former were still armed with spears, while the latter carried already a different weapon,—the pilum: and in the same way as to me it is quite certain, that the later form of the legion was introduced as early as about the middle of the fifth century, so I have just as little doubt, that Pyrrhus found the Roman army already arranged in exactly the same way as Hannibal.

In the mean time there had appeared in Macedonia a different development of the tactic originally common to both nations, exactly in the opposite direction, but not less suitable for their objects than that of the Romans. By lengthening the sarissæ and increasing the numbers, Philip brought the tactic of masses to the highest perfection it was capable of, against enemies who did not even under-

[822] Polybius, XVIII. 11, 9. 10.

stand how to adopt his improvements, to say nothing of their opposing him with a system of a higher order. He needed a numerous and quickly formed army: and his tactic was of that kind, that the recruit who came in with strong limbs, was available in some way, if there was need, from the first day of his arrival under the standards; he had nothing else to learn but to march and perform movements, in which his comrades trained him mechanically, and to use the sarissa, which was learnt in the same way without any drilling: the sword, or the Illyrian knife, came into use only in the confusion of a close combat. For the rest, the phalanx was not without numerous corps of light infantry of different kinds, which Philip partly formed of mountaineers: and in however great obscurity their peculiarity may be involved, still there is reason for supposing that they were essentially peltasts, and infinitely superiour to those unarmed hosts, which marcht into the field in the wars of the Greek republics.

A scheme of this phalangite order has been preserved by the so-called Ælian and Arrian; it is very well known and is a valuable account: only one must not believe, that the numerical proportions given in it had any establisht necessity, nor that the phalanx was destined to form in the field an immense unit. Wherever this was done, it was an exception; in the wars of Alexander especially there are regiments of only a few thousand men drawn up with troops armed in a different way placed between them: but the compression, by which the phalanx when out of its place became just as useless, as it was irresistible when in it, did not happen in most cases either, unless the lines of this species of troops were interrupted by some other lines.

Under the Antigonids, when Macedonia carried on wars only with its neighbours, the phalanx far from being the kernel of the army, was not reckoned higher than a militia: and when Antigonus, the guardian, and the last Philip past the winter in the Peloponnesus in the face of

the enemy with their guards, the mercenaries and the light infantry, the phalanx was sent home and disbanded,—undoubtedly to save its pay,—and was assembled again in the spring[823].

The rule was for the troops to be drawn up sixteen men deep, of which the hindmost were so entirely regarded as nothing but a dead mass, that, if the enemy attackt the rear, movements were necessary in order to bring the serjeants to the front line: they also had to be armed with sarissæ, which according to the system were to be sixteen cubits in length, and in fact were at least fourteen, so that the heads of five spears stretcht forward with every serjeant. From the sixth member backwards the men could take part in the fight only by pressing forwards pertinaciously, and their sarissæ were of no further use than to serve as a protecting roof against missiles above those who were before them[24]. Thus in this military system every thing was calculated to produce a mechanical power which could not be overwhelmed, and to secure against all danger those by whom it was exercised;—a system, which removes war as far as possible from the heroic, and must make the nation which adopts it essentially unwarlike. Now if two such armies engaged upon ground suitable to their tactic, the decision depended, if not upon some accident, upon the number which afforded the means of constantly increasing the depth and the pressure. Not long after Alexander the Macedonian generals also added artillery to the phalanx; but this seems to have been soon given up and to have been no longer used by Pyrrhus: the phalanx was too awkward to defend the light catapults, which were thus used, against the light-armed troops.

In the legion the depot-batallion had been done away with, and instead of the different kinds of light-armed troops one was formed of those who hurled missiles: two others armed with pila and swords were destined to form

[823] Polybius, II. 54. 14. [24] Polybius, XVIII. 12. 13.

a line either at the beginning or in the progress of the fight[825]: the fourth only half as strong as each of the preceding ones, was armed with spears as a reserve[26]. In what numerical proportion the different kinds of lighter infantry stood to the phalanx in the army of Pyrrhus, cannot be ascertained from the statements, which only mention bowmen and slingers, and speak merely of hoplites in addition to them, without saying any thing of peltasts and other kinds of infantry, of which Polybius always mentions several in the Macedonian armies. In a complete Roman legion there were only 2400 in the line, 1200 served as tirailleurs, and 600 were kept in reserve. The Macedonian military system had only a reserve, when a part of the whole force was set apart for it, and this was seldom: not as a necessary preparation under all circumstances. The light troops were of an entirely different kind from the Roman ones, and those of Pyrrhus may have been superiour to the latter: it is exceedingly probable that by far the greater part of the whole number of the infantry stood in the line[27]: but as the Roman soldier, in order to keep his movements free, occupied twice as much room as the Macedonian, the front of a Roman consular army drawn up in lines must after all have considerably outflankt a phalanx of the normal number of those tactitians, supposing equal intervals between the divisions. For according to the numerical proportions prevailing in all ancient institutions, it is not to be doubted, that, while the Macedonian array was sixteen men deep, the Roman one had originally ten members in centuries of thirty men: three

[825] In opposing the phalanx the maniples of the hastates undoubtedly marcht into the intervals, which they otherwise only covered till their time had come.

[26] Guischard's conjecture, that the triarians were chiefly destined to ward off the cavalry, is exceedingly probable: but they might be employed no less usefully in affording protection to the hastates and principes in rallying.

[27] The peltasts also.

in front by ten in depth. This depth also occurs at a later time as the usual one, although not as the only rule, as indeed I do not doubt, that, when the number of tribes again increast from twenty upwards, no anxious care was taken to bring it about by force. In the war against Pyrrhus, although the number of tribes was thirty-three at that time, this depth undoubtedly existed as a rule.

Now the only mystery is, why a tactic, which does not admit the effects of masses at all, did not regard such a depth as a useless extravagance; nay, how it was compatible with the Roman mode of fighting a battle, which depended upon the missile and the sword. Although the second line in an army drawn up in the quincunx may have been able to take its aim and throw the pila into the enemy's ranks, yet it was only possible for the subsequent lines in case those in front stoopt down upon their knees: the hindmost could not make use of these weapons at all, inasmuch as the tenth line stood no less than fifty-four feet backwards from the front. But the sword was still more than the pilum the real weapon, and this could not be used at all against the enemy except by the first line: those who stood behind would therefore have been quite useless, until the first was thrust down; and the latter would have been obliged to bear alone the exhaustion of a single combat. I do not know whether any one has proposed to himself the solution of this mystery: no passage of the writers affords any help: and whoever has endeavoured to represent to himself a Roman battle, must wonder above all things, if he seeks explanation only from what is written, why the decision did not actually follow in a moment, as soon as the pila had been thrown by the first lines, and the fight with the swords had begun. It is quite inconceivable, why the Romans, who arranged everything so practically, should not have come to our battle-array of three lines, which would have afforded them such great advantages by outflanking the enemy. But as it is a fact that the troops were not drawn up with a narrow front, the solution must

lie in a peculiarity not mentioned by the writers; and this shews itself, as soon as one undertakes the task of making an infantry equipt and drawn up in this way, available in the whole measure of its power; and its agreement with the fundamental principle of the divisions of the Roman infantry, and of the movements of its parts, leads us to conclude, that another solution must probably have been overlookt.

The intrinsic superiority of the serjeants over the other soldiers, upon which so much depended in the Greek tactic, did not exist among the Romans in any way: every soldier had to be equally well trained in order to stand in the front, and it was only the front-line that was of importance[628]. When therefore the first line had hurled its pila, it probably stept back between those who stood behind it, and two steps forward restored the front nearly to its first position; a movement, which on account of the arrangement of the quincunx could be executed without losing a moment. Thus one line succeeded the other in the front till it was time to draw the swords; nay, when it was found expedient, the lines which had already been in the front, might repeat this change; since the stores of pila were surely not confined to the two, which each soldier took with him into battle.

The same change must have taken place in fighting with the sword, which, when the same tactic was adopted on both sides, was anything but a confused melée; on the contrary it was a series of single combats. If the phalanx prest onward, the Roman sword-fighters, it is true, could not change their places before the points of the lances; but when matters came so far, they were obliged to retreat to more favorable ground; and this opportunity of taking a position, where the phalanx was obliged to abandon its

[628] Polybius compares the power of the phalanx, to the sharp edge, which is prest into a thing by a weight,— to an axe: — the efficiency of the Roman battle-array is, according to the same comparison, to be regarded like the power of a razor.

pursuit, was offered, wherever the ground was in any way broken[829]. In this lay the weakness of the phalanx, which Polybius places in such clear light: whether it marcht on in separate spires, with open intervals, or prest together in one mass.

That Pyrrhus did not deceive himself respecting the two military systems, is indeed very certain: he admired that of the Romans, when he first saw it. After the Italicans had joined him, he drew up cohorts and phalangite spires alternately[30], and thus endeavoured to combine the advantages of the two; unless his principal object was to distribute the foreiners and have them immediately in his power. Even if he had decidedly preferred the military system of the Italicans, he was far too intelligent to force it upon his Epirots, and to turn veteran soldiers, excellent in their way, into discouraged and awkward recruits.

As the Romans had nothing equal wherewith to oppose the Cretan bowmen, so also they were far inferiour in cavalry. Pyrrhus had Thessalian horsemen, either lent him by another king, or raised by himself as master of the country. The Roman cavalry at that time had still the same defects undoubtedly, which Polybius describes it to have had in its earlier condition[31], and of which it only got rid through becoming acquainted with the Greek arms: it had bad pikes and inefficient shields; and even had there been no elephants, it would not have been able to protect its infantry against the enemy's cavalry.

[829] That the change of the lines as described above was by no means impracticable, as it has appeared to some to whom I stated it, but that in the absence of the deafening noise of gunpowder it cannot have had even any difficulty with well-trained troops, is the opinion of a man of experience in these matters.

[30] Polybius, XVIII. 11. [31] VI. 25. 3, foll.

THE WAR WITH PYRRHUS.

When all the troops and transport-vessels were assembled, which had come from Tarentum, the king hastened to embark, although the stormy season of the year was not yet over: and scarcely had the fleet set sail, when a storm broke out from the north, which cast most of the ships upon the wide sea, drove many upon the beach, and sunk several. Pyrrhus himself scarcely escaped alive from the shipwreck, and arrived at Tarentum with an insignificant force. Now the king allowed the Tarentines to act as they pleased, until the ships which the storm had spared, were collected near Tarentum: but when his troops were assembled, he laid claim to dictatorial power, without which the objects of those Greeks could be no more attained, than he himself could exist with his honour and his army. It was not the Tarentines alone who refused to engage in military service, but all the inhabitants of the Greek towns of that time did the same, since it had for more than a hundred years become the calling of the soldiery: and if, which rarely happened, a civic militia was employed, things went on lamentably: but in the phalanx every one was useful who had strong limbs; if Pyrrhus was to make any use of the population of Tarentum for the infantry, it was necessary to have them levied and enrolled among his foot-soldiers, and he had to fill up immediately the gaps which had arisen in consequence of the shipwreck. This was something unexpected: a rich and free people would like to carry on war by paying for it; if this can be done and it does not touch their territory,

the excitement does not appear to be purchast more dearly, than another, though less stirring, spectacle. When the Epirot officers conducted their levies without regard to anything but bodily ability, the unwarlike youth attempted to flee from the city: but the king ordered the gates to be guarded by his own troops. The rude and unbridled conduct of the soldiers quartered in the town, and especially of the body-guards, who could not be restrained at that time by any military discipline even in a friendly country, caused well founded indignation: and wherever the citizens met together, they gave way to complaints and murmurs. The Lacedæmonian colony had still preserved at least the name of the syssitia[832]. These meetings and all festivities were forbidden: the theatre was closed, and accordingly the assemblies of the people suspended: on the other hand the young were ordered to practise warlike exercises in the gymnasia, instead of idle gymnastic sports. And in order to prevent any conspiracy from breaking out, while he should be in the field, he found various pretexts for sending the leading men to Epirus; open force he did not employ.

At Rome they were among other cares also engaged by the difficulty, as to how the prescribed ceremonies of renunciation could be accomplisht, one of which was the hurling of a spear upon the hostile territory: since without their observance it seemed sinful to exercise hostilities. The means by which this scruple was got over, is characteristic of such a worship of the letter: an Epirot deserter was obliged to purchase a piece of land, which for the sake of the ceremony was regarded as Epirus[33]. Hereupon Lævinus[34] led the army into Lucania, in order not to wait for the attack of Pyrrhus and his allies; and as the king

[832] Appian, Samn. Exc. VIII. p. 59.

[33] Servius on Æn. IX. 43.

[34] That he is called Albinus in the manuscripts of Plutarch, is, I think, by no means a slip of the pen; the mistake may have come from Hieronymus.

had not yet marcht into the field, the Romans conquered a fortified place; a detachment, which remained behind there and ravaged the country, prevented the Lucanians from uniting with Pyrrhus, in the same way as the Samnites were undoubtedly detained by Barbula the consul of the previous year[835]. Lævinus too found himself strong enough to send the eighth legion of Campanians under Decius Jubellius to Rhegium, which was then the only one of the Italiete towns that, for reasons unknown to us, supported the Romans: it must also have been of great concern to the Romans, to render the communication between the Siciliots and Pyrrhus difficult.

Pyrrhus sought to avoid a battle until he was joined by the allies. He wrote to the consul, and demanded to be accepted as arbitrator respecting the complaints of Rome against the Tarentines, declaring, that he should know how to compel the latter to satisfy the Romans: he added, that he was ready to wait ten days for an answer[36]. Lævinus replied, that the king himself must first atone for having come to Italy: but that words were superfluous, as father Mars would judge between them. He ordered a spy that had been taken, to be led through his army which was drawn up in order of battle, allowed him to depart in safety, and invited Pyrrhus to come himself and see.

The same object guided the movements of both generals. The armies met on the Siris between Pandosia and Heraclea: hunger would have compelled the Romans to break up from their encampment, if the battle was deferred, and hence the consul endeavoured to force it. He encouraged his soldiers, who were cast down by the fame

[835] For the history of this war I shall quote neither Zonaras nor Plutarch, so far as the events are related chronologically: the former would leave us very little to be wisht for, if he did not pass over the names of places, which may have been quite unknown to him.

[36] Dionysius, Exc. XVII. 15, foll. I see no reason for doubting, that the king wrote with this intention; although the letter which we read, resembles a rhetorical fabrication.

of Pyrrhus and the terrour of his elephants: the river divided the two armies; the Epirot corps, stationed opposite the Roman camp, prevented the passage, until the Roman cavalry, which had crost the river higher up unobserved, attackt its rear, and gave the infantry an opportunity of passing over to the hostile bank. Pyrrhus himself now led his cavalry against that of the Romans, which stood the contest gloriously against a much superiour force: a daring Frentanian captain [837] threatened the king's life, and paid the penalty with his own: but as the cavalry did not succeed, the king led forward the phalanx. If the king was killed, the war was decided; the helmet and military cloak of the Æacid became fatal to Megacles, one of his commanders; the Epirots shared the mistake of the Romans, when they beheld the royal spoils in the ranks of the enemy, and would have fled from the field of battle, if Pyrrhus had not made himself known. The battle was continued indefatigably: seven times did both parties advance and retreat alternately: the consul hoped to break in upon their rear with his horse; but the Thessalian cavalry had again assembled, and the elephants which had hitherto been kept away from the fight, opened them a passage. Horse and man fled affrighted at the sight from the fury of these monsters, whom they had never beheld and supposed to be irresistible; the Thessalians avenged the humiliation they had suffered in the forenoon; the flight of the cavalry carried away the legions also, and perhaps no one would have escaped, had not the fury of a wounded elephant turned upon its own men and checkt the pursuit. The remains of the Roman army fled back over the Siris, the night which had commenced saved them [38], the conquerors

[837] In Plutarch Oplacus, in Florus Obsidius, in Dionysius Oblacus Vulsinius.

[38] It was also a maxim with Pyrrhus, never to pursue a defeated enemy to the uttermost. This was scarcely the trivial prudence, of not driving an enemy to despair: just as little was it the senseless view, which regards every action of a campaign as a separate military

took the camp without resistance: no battle could be lost more decisively. When Lævinus had collected the fugitives, he led them to an Apulian town: Zonaras does not mention its name, but it can only have been Venusia, whose incomparable advantages for offensive and defensive wars in these districts were quite verified here. Without such a fortress, with a faithful and powerful population, the defeated army would have been totally annihilated: now it might unite itself with the army which kept Samnium in check: there was now indeed nothing to prevent the Samnites and Lucanians from joining the conqueror.

On the following day the king visited the field of battle. Although his life had past in war upon war, yet, according to the system of warfare at that time, he had seen very few battles in the open field, and the day of Ipsus itself had perhaps not been so bloody: he admired the Roman ranks, which in an unequal contest with the sarissæ had fallen even where they had retreated, without turning their backs:—"With such soldiers," he exclaimed, "the world would be mine: and it would belong to the Romans, if I were their general." In his army the flower of the officers and soldiers had fallen: "one more such victory," he replied to those who congratulated him, "and I return home to Epirus alone." He proposed to the captive Romans to serve under him: he still recollected too much of the Macedonian and Greek customs in war, where usually, as in the thirty years' war, the greater part of the prisoners, who were hired mercenaries, entered the

game, which is sufficiently gained when an enemy is driven from his position: it was rather the consequence of that carelessness, which is indifferent about dispersing the defeated completely, in the confidence of conquering always, as soon as it comes to a battle. It is by no means a solitary case in history, that generals who made excellent use of the day after the victory, neglected in the evening to complete the defeat of the enemy: and this moreover has been done by generals, who did not gain the victory unexpectedly, and who nevertheless did not keep some troops fresh.

ranks of the victor: none did it[839]: Pyrrhus honored them, and had their fetters taken from them. He ordered the dead bodies of the Romans, without waiting for the humiliating proposal of the conquered, to be burnt and buried like his own: hence, while the statements of the dead in other cases can hardly ever be any thing else than arbitrary estimates, unworthy of all consideration, Hieronymus who had before him the king's memoirs, might here indeed know the numbers, when he stated the loss of the Romans at 7000, and that of the conquerors at less than 4000. The incomparably greater numbers of the Roman annalists, on the other hand, deserve no more credit, than similar ones which Livy mentions, not only from the earliest times, where, whoever gives any thing rather detailed, appears as a fabler, but also at those times, where a contemporary and careful history was not wanting, and which invented with equal audacity as the earlier ones he had copied from Valerius of Antium and similar writers[40]: hence even the statement, that twenty-two standards were lost, and that 1210 footsoldiers and 802 horsemen were taken prisoners, however unsuspicious it may appear, cannot be considered in any way certain. To the allies he gave a part of the spoils: a part which had been selected, he dedicated in the temple of Zeus at Tarentum with the inscription, which was offensive to the Tarentines:

> The men unconquer'd once,—O, best Olympian Father!
> Those I in battle conquer'd, and those too conquer'd me[41].

[839] Dion, fr. 41. p. 19. I do not doubt it respecting the citizens who had the complete franchise; — single exceptions count for nothing, as there were always deserters;—of the Cærites and allies no one will doubt it, when so many towns revolted. Pyrrhus too probably set these free, as even Hannibal did, who did not care like Pyrrhus about winning the heart.

[40] Orosius, IV. 1, has unquestionably borrowed them from Livy: Dionysius from the same old annalist, but Livy past over the estimate of the enemy's loss.

[41] Orosius has preserved this epigram in a very old Latin trans-

The consequences of the victory were extraordinary. The Italicans united their armies with that of the Epirots, and many Roman subjects broke their oaths. Among them were the Apulians, for whom Pyrrhus negociated as for his allies, although some towns may have remained faithful. The Locrians betrayed the Roman garrison[842], and they probably were not the only ones who allowed themselves to be led away. The commander of the Campanian legion, Decius Jubellius, charged the inhabitants of Rhegium with equal treachery; and in this crisis there could not be wanting persons, whose letters or messages condemned them; the soldiers believed their lives to be in danger, and their thirst for plunder scarcely required the excuse of avenging themselves on traitors: Rhegium suffered the fate of a town taken by storm: the men capable of bearing arms were put to the sword, and the women and children made slaves. The offenders soon regarded themselves no longer as Romans, and uniting with their Oscan kinsmen, the Mamertines, who had taken Messana a few years before in the same way, they establisht themselves as a state,

lation, namely, in two Saturnian verses, the former of which in six feet seems to be an attempt at an hexameter, the latter at the shorter verse:

Qui antehac (*l.* antidhac) invicti fuvere viri, pater optime Olympi,
Hos ego in pugna vici, victusque sum ab isdem.

This shews, that Livy used for this history Latin sources which were older than Ennius, for after his time no one would have translated a Greek distich otherwise than in the elegiac metre. The author of the epigram was probably Leonidas of Tarentum, who followed Pyrrhus from his unfortunate native city, and composed the inscriptions upon his last victories.—Orosius expressly refers it to the battle of Heraclea; otherwise one can scarcely conceive, how the Epirot king could call himself here partly conquered, however much he may have wisht to increase the glory of the enemies he admired: it is incomparably better suited to the battle of Asculum: but best of all to the time, which he spent at Tarentum after the battle in the Arusinian plain.

[842] Justin, XVIII. 1.

despised the supremacy of Rome, and took no part in the war, unless it toucht their own territory.

Pyrrhus did not like long protracted wars, and to annihilate Rome, even if he could have thought it practicable, could not have been his intention. He wisht for a speedy and brilliant peace; it was his maxim to try every thing that persuasion could do, before deciding the matter by arms[843]. The present circumstances, and the dark apprehension of a general revolt of her subjects, no less than the reverses she had already suffered, might bend Rome's obstinacy; and the captivating persuasiveness of his friend and minister Cineas had induced more towns to submit to Pyrrhus, than his arms had forced. Cineas, a Thessalian, is said to have heard Demosthenes; and with an active mind the early and personal knowledge of a great man has its influence upon the whole life; that he as his pupil took him for his model, must be regarded as a hasty idea of Plutarch's, since forty-one years had already past away since the death of the orator: and the means which his eloquence could make use of, had not the least resemblance to the thoughts and feelings, by which Demosthenes inspired or shamed his audience. But his mind and sentiments were worthy of his model: although a Thessalian, and living in a degenerate age, he served of his own accord a prince of a different country, and did not conceal from him his best feelings and thoughts: and they were indeed welcome to the heart of his royal friend. Some of the most generous resolutions, which will for ever do honour to the memory of Pyrrhus, are expressly ascribed to Cineas; he was the king's good genius, whose fortune forsook him at the time when Cineas probably died, namely, during the expedition to Sicily; from that time history speaks no more of him, but of unworthy confidants of the prince who was already abandoned to his evil star: his fair days, like his happy ones, were over.

[843] Polyænus, VI. 6. 3.

This messenger Pyrrhus sent to Rome with proposals of peace[844], while he himself collected the forces of the Italian allies, and in the meantime did not press the defeated army of the Romans.

Cineas neglected no means for winning the heart. To be known personally and by name, was demanded by the vanity of the most insignificant citizen of every one who claimed his favour: on the day after his arrival Cineas saluted all the senators and persons of distinction by their names[45]. If there is any foundation for the assertion, that day after day past, before he communicated to the senate the

[844] The mutual embassies in this war past over into a living narrative at an early time, whence they became variously embellisht, and were freely workt up. Hence a part of our historical testimonies places the embassy of Cineas after that of Fabricius: namely, Zonaras, and also the Epitome of Livy, XIII, and Eutropius, both of whom together must be regarded as Livy:—while Dionysius (Exc. XVIII. 7. and 20. ἦν ὁ δῆμος ἀπεψηφίσατο ποιήσας εἰρήνην), Appian (Samn. Exc. X. p. 62. foll.), and Plutarch (Pyrrh. p. 394. foll.) adopt the opposite order of events. It is true these may be traced back to a single authority: Appian may here, as elsewhere, only have abridged Dionysius: and Plutarch likewise had him before his eyes, and perhaps followed him alone, although he knew the history of Hieronymus. But even if this were so, the presumption of genuine historical criticism is in favour of Dionysius in this period: he consulted and examined the contemporary Greek historians of the war, Hieronymus, Timæus, Proxenus, nay the memoirs of Pyrrhus himself; which one can scarcely suppose of Livy: who, though we cannot know the fact, may perhaps have even pointed out the deviation of a part of the annalists, as in Hannibal's march before Rome, where the instance is clear enough how little pains he took to gain a decided opinion. But besides the more authentic testimony, internal probability seems to decide for this succession of the events: the terms after the first campaign had failed, and Pyrrhus had taken up his winter-quarters at Tarentum, and after Etruria had concluded peace, would have been ridiculous, and would certainly not have perplext the senate. After the first battle they might have been accepted, and to try negociations was the system of Pyrrhus.—Similar contradictions of the annalists among one another are seen in regard to the liberation of the prisoners, and especially in reference to the traitor.

[45] Pliny, H. N. VII. 34.

proposals of peace made by his prince, it cannot have been he who delayed obtaining an audience sooner or later, even if it had depended on him: a speedy decision was of great importance to Pyrrhus, in order to appear before Rome, before Etruria had accepted the peace[846]: to the Romans every day of delay was precious, for the purpose of accelerating this peace, and of completing the legions of Lævinus and forming new ones. The terms of peace were those of a conqueror: that peace should be concluded with him and the Tarentines, that the independence and freedom of all the Greeks in Italy should be agreed to, and that the Samnites, Lucanians, Bruttians and Apulians should receive back all that the Romans had taken from them. Thus the Apulians were now among the enemies of the Romans: the Salentines are not spoken of, because the Romans had conquered nothing from them; nor can it be denied, that they recognised at this time the supremacy of Tarentum[47].

[846] σπεύδων,—ὡς καὶ ἐκείνους (τοὺς Τυρρηνοὺς) προσλάβοι. Zonaras (VIII. 4). This entirely upsets that unworthy story, which he alone gives, that Cineas bought over the distinguisht Romans by presents: a story, which the cautious Dion could not have adopted, if he had not deferred the embassy to the time of the winter-quarters. It is however obviously invented, in order to oppose by the daring assertion of the very contrary the celebrated tale, how the same embassador was humbled by the refusal to accept his presents. This mode of destroying belief in definite statements of virtuous manners and customs, which is not unfrequent even in contemporary events, may proceed from vice, but also from an honest hatred against that which appears to be nothing but hypocrisy, such as will rise in an abject age even in a heart which is by no means bad. The Parisian philosophers under Louis XV judged of the narratives of past times, as Dion did under Elagabalus, and as most of them were certainly far from being bad men, we should not be so decisive either in condemning Dion.

[47] We know these terms only from Appian, who must have taken them from Dionysius: and their correctness will not be doubted by any thinking man. In substance Eutropius agrees with them: *ut partem Italiae, quam jam armis occupaverat, obtineret.* The senseless statement in the Epitome XIII, that Cineas only demanded that

The embassador declared, that as soon as peace should be concluded on these terms, the prisoners would be set free without ransom.

Posterity has always lookt upon these events with Roman feelings: and no one is likely to consider it conceivable, how such proposals could be made and listened to. Even in the age of Augustus almost every one probably thought the former foolishly presumptuous, and the latter disgraceful: and if Dionysius and Livy[648] unquestionably put a speech into the mouth of Cineas, which recalled the reader from declamatory commonplaces and imaginary circumstances to the true state of things at that time, the attempt at a similar representation will be superfluous only to a small number of my readers: the spirit of that which had to be said, in order to render the proposals acceptable, cannot escape us: and this is sufficient, even if

Pyrrhus should be received at Rome, in order to negociate in person, cannot therefore be laid to the charge of Livy:—Plutarch's account (p. 394. D.), that the king required only a treaty of friendship for himself and the Tarentines, and then offered auxiliaries for the subjugation of the rest of Italy, has arisen from the silly haughtiness of some Roman annalist. Such proposals the Romans, unless they were mad, might have rejected, if it were only for this reason, that, if the conqueror made such pusillanimous demands, there could be no fear of losing any thing by him. The manner in which the moderns have pieced together the history of Rome, requires in general no notice: but there is here a characteristic example in Freinsheim, of the way in which it was thought, that all isolated statements might be put together: he takes the conditions from Appian, and then tacks on from Plutarch, that, if these were accepted, the king offered his assistance for the subjugation of the rest of Italy. Who were they then that did not already obey, with the exception of the Picentians at the utmost, if the south as far as the Liris was quite separated?

[648] That Diodorus, to whose more meagre narrative speeches are forein, gave some in this period, is clear from the gnomes extracted from book XXI; a few of them are plainly to be referred to Pyrrhus, others seem to belong to the debates at Rome previous to the declaration of war, or to those at Tarentum: the arrangement must be entirely reverst, if, what the idea itself might otherwise render probable, some of them belonged to such a speech of Cineas.

what we must bring forward, may have been past over by the Greek orator as clear of itself at the time.

" Pyrrhus," Cineas probably said, " makes war upon the Romans without being their enemy. It is an ancient custom of the Epirots, to encounter danger, not only for their own country, but also for their friends and allies[849]. As an Æacid, he has indeed felt called upon to try his strength against the descendants of the Trojans[50], but in his veins also flows Trojan blood, and what has called him to Italy is the prayer of the distrest, to which no Greek can shut his ear, nor enquire whether they are in fault. He has discharged this duty, and may now gratify his own desire of becoming your friend and ally, after previously satisfying the claims, which his allies justly make upon him. For this reason he did not again attack the defeated army, and the advantages which an immediate progress would have secured him, were of less importance to him than the opportunity of proving, in what spirit he was carrying on war against you[51]. For himself he demands nothing: he will quit Italy forthwith: he is satisfied with glory: and if you wish it, with the friendship of the Romans. The victory which he has gained, not by stratagem and accident, but by the open struggle of a whole day, shews that he need not fear further battles. But unless you, after knowing his power, fancy that you can conquer him completely, you must perceive that peace is impossible, unless the Tarentines are included on the condition, that all which has past shall be forgotten: to make any concessions on this point, and not to stipulate for the independence of all the Italiotes his honour will not permit him. The granting of this independence will more displease the Lucanians and Bruttians, against whom you have protected the Italiotes. The restoration to the Italicans of every thing they have lost, is a condition of which

[849] Diodorus, XXII. exc. 1. [50] Pausanias, Attic. c. 12.

[51] Appian, Samnit. x. p. 62. c. 70. foll.

the king would willingly soften the harshness for you, but he was invited under the promise of effecting this, if victory should favour him; and he cannot depart from it, without forfeiting the honour of his word, nay without confirming the suspicion, which his desire to be the friend of the Romans already excites, namely, that it his intention to break and weaken the Italicans and then rule over them as his subjects; perhaps even to abandon them again to you as the price of your co-operation in his wars beyond the sea. In unfortunate times it is the greatest mark of wisdom, to choose an unavoidable evil quickly and resolutely, if struggling against fate cannot avert it, but compels us at last, when our strength is exhausted, to accept a much worser. The terms, which Pyrrhus now proposes, and which seem unacceptable to some, he will, though with the same desire of becoming the friend of Rome, not be able to offer you in a few days. All peoples and towns, which have shewn either now or before, how indignantly they endure the municipal rights that have been forced upon them, and whose hostages are retained, Prænestines and Hernicans, Æquians and Sabines, nay Capua herself, will greet him as their deliverer; and whatsoever places he may receive into his alliance, compelled by your obstinacy, will then be entitled to the same protection from him, which now falls heavily upon you to the advantage of the Italian allies. Before the month is over, the king may be encampt with his whole force before the walls of Rome, and outside the walls every thing may be lost to you, with the exception of some colonies, the fall of which may be deferred without fear. Etruria, which has repeatedly called in the most formidable barbarians, will not let such a moment slip for rising again without opening its country to the barbarians. Be not deceived: the hostages you have obtained can no longer secure the obedience of your subjects. Pyrrhus has shewn in the treatment of his prisoners,

how he honours you: but these prisoners will answer for the life and freedom of the citizens of every place, that may join his alliance. Eight hundred knights are in his power: a smaller number who remained as hostages after the defeat of Caudium, had almost compelled you to ratify the peace. Between Romans and Epirots there is neither usage nor treaty, by which the king is bound to a ransom. He is at liberty to deal with them as he pleases; that they are not slaves, whose lives might be taken away at any moment under torture, they owe to his generosity, to his belief in a peace honorable to the Romans from the very circumstance that he so seeks it. If he had not such an overwhelming military force, if he had with an equal one so many hostages, he might expect a peace such as he would dictate: if he had not these prisoners, yet his victory and his forces would lead him to the gates of Rome, although some places trembling for their hostages, might not venture to declare in his favour. Any other enemy but Pyrrhus would conclude peace, only on condition that such security were given him: Pyrrhus, like their relatives, will hail the day, when he can restore them to their friends, without receiving any ransom for the freedom of such worthy warriors."

Now after Cineas had left the curia, and the senate began discussing his proposals, days past by in constant meetings without their coming to a decision: few had any other expectations for the future than those he had expressed, but they had not the resolution, for the purpose of avoiding utter ruin, to descend of their own accord from the highth, upon which alone every one had been accustomed to think that the existence of his country stood. But such barriers fall, as soon as persons come to ask, whether such impossibilites are also rational: and matters had come to such a point, that the fortune of Pyrrhus would have conferred upon him the most unheard of favours, had not Appius Claudius, who was blind

and lame and kept away from the senate[852], heard of the resolution the republic was going to take. He had himself carried across the forum in a litter; and when he had been carried up the steps of the senate-house, his sons and sons-in-law received him, and led by them and held upright, he reacht his long vacant seat, from which he spoke somewhat to the following effect[53]:

"I first pray to Jupiter, the Best and the Greatest, and to the other gods, under whose protection are this city and the Roman people, the Quirites, that they will allow my words to be of advantage to the state[54]. Many things have often increast the sorrow I feel on account of my blindness, and the more years elapse, the less does recollection make amends for it; a generation is growing up in my own house, as it is among my fellow-citizens, whose features I have never seen; and of those who are dearest to me I only know, that they are no longer the same as I remember them. The city is becoming embellisht with splendid buildings and statues: I know them not: and when triumphs went up to the capitol, it was denied me to enjoy in full measure the best pleasure of old age;

[852] One might be inclined to suppose with Ulpian l. 1. *de postulando*, that he had been excluded on account of his blindness: that mutilation excluded from magistracies, is indeed certain; but this regulation has probably only reference to sacrifices and could not apply to senators: the blind man, who did not *see* his adversary *in a court of justice*, could certainly not use the formula; and this was probably the only reason, why he could not postulate.

[53] The speech of Appius was preserved; one can easily conceive that Cicero left it to persons curious in such matters (Brut. 16. (61.)): it may indeed have borne the same relation to his own speeches, as a sepulchral inscription of the Scipios to an epigram of Catullus: and there is all the less reason why an attempt to restore its meaning should seem too bold an undertaking. The form in which Dionysius represented it, may be perceived from Appian and Plutarch, whose common model is unequivocal: but very little of it appears to be derived from an old Latin original.

[54] Such a prayer formed the beginning of every old Roman speech down to the time of the Gracchi: Servius on Æn. XI. 301.

namely, to behold in full measure, with what greater magnificence than was possible in the days of our vigour, possessing as we did inferiour power, our country appears on the higher summit to which we have raised it[855]. But now I thank the gods, that they have allowed the light of these eyes to become extinct, that they have not seen in the forum and within these walls the embassador of a king who has conquered us; that they have not seen, how you exchange salutations and shake hands with your future friend and ally; nor will soon be obliged to see your new friends, the Greek king and the Tarentines, when together with you they present on the Capitol thank-offerings and donations on account of their victory over you. Would that I were deaf as well as blind[56], so that I should not be obliged to hear, how so many among you strive to defend as true the crafty assertions of the enemy's embassador, and are enraged against those as noxious advisers, who only think and vote as our fathers have taught us, and as, no long time ago, the most cowardly would have blusht not to express himself! How is it that your souls have bent thus, which formerly stood upright in every storm[57]? You are speaking of peace; but is there no one among you, who honestly deceives himself, that it is submission? This is the fulfilment of those prophecies, which were repeated as often as one right after another was taken away from us patricians, that the free election from among the flower of a much larger number of equal citizens would place the most trustworthy at the head of the government. Such

[855] He who does not feel equal joy, when he sees in his old age his own science hastening onward with increast rapidity, either cannot say to himself, that he has accelerated its progress,—or he has outlived himself.

[56] Plutarch and Appian.

[57] Quo vobis mentes, recte quae stare solebant
Antehac, dementes sese flexere?
Ennius, from this same speech.

pusillanimity was unheard of, when the curule throne was occupied by our houses alone. When we were at liberty to determine, whether we should defer our vengeance against the Tarentines, until we could take it to our satisfaction in proportion to the magnitude of their crime; when the thoughtless Greeks alone could have deceived themselves about our forbearance, but still in the belief, that the recollection of what had taken place might die away, provided they did not march into the field against us, nor give any substantial support to the Sabellians, and much less invite the Epirot king to Italy;—then we and the people felt, that no Roman could breathe freely, until Tarentum had made atonement. And should we become reconciled with them, should they scornfully repeat our former threats, could we then see the light of day?

"The honour of Pyrrhus requires him to deliver the Greek towns: consequently Neapolis also is to relinquish its alliance with us, and join the constant friends of the Greeks, the Samnites, and indeed free as equals join equals: and the Thurians, who to be sure are also Greeks, whom we protected against the Lucanians, and who are now exiles from their homes, which have been plundered and laid waste, these are not to be restored!

"How far the Italian allies of Pyrrhus will extend their claims to territories, which we and our fathers took from them, will only be determined by their equity and their feeling for fallen greatness. Luceria and Venusia you will be obliged to surrender to them, and, you may be sure, Sora and Fregellæ also, the possession of which your fathers riskt fifty years ago, well satisfied, even if a war should break out in consequence: for they knew well, that the condition of Italy could not remain as it was, and also that it could not be changed without a long and most severe struggle. Of your colonists who have lived in such towns for any time, the more fortunate will cultivate the fields of the new or restored proprietors as

subjects of your enemies, the rest will return home to us as beggars: exiled and helpless beggars will all the citizens be, who cultivate or keep their cattle upon the domain land, which has been taken from those Italicans.

"These facts, I suppose, no one conceals from himself, and there are few among us, whose property will not be curtailed by these concessions: but your simplicity is so great, that you not only fancy, that what you are to give up cannot possibly be saved, but also believe in the delusion, that you are saving the rest which would otherwise perish in the universal ruin. Ask Cineas himself, who, as a Greek, is said to be an honorable man, whether he believes, that the Samnites, after waiting for revenge for forty-five years, will think themselves compensated by the recovery of their ancient territories? Whether the desire of indemnifying themselves for so many places as have been burnt down, for so many deserts as our wars have left in their country, will not immediately arise in them? Whether they will not then offer their assistance to every discontented people, which may cast off our dominion that has become contemptible?—He will probably answer you, that his king as mediator will not permit it. Alas the degradation of hearing such words, which no one in my days would have thought possible! But you who think that you may easily govern subjects, supported by the friendship of the prince beyond the sea, like an Etruscan town under your protection, do not reckon too much upon it: the restless man will be called by his fortune further and further, and his mediation will be disregarded by those who well know that he will not for our sakes come over to Italy a second time. Why should he weary and exhaust himself in order to preserve you? If Rome falls, the bulwark is gone which drives the wandering swarms of Gauls towards the East; and Pyrrhus in common with all the Macedonians and Greeks wishes for nothing more anxiously, than that they should pour themselves over Italy.

"By such a peace we give up in one day the conquests of forty-five years, without even returning to the condition in which we were before that time. For then the Hernicans were our firm allies; with the Æquians and Sabines we lived in a peace that had lasted for many years; deprived of their territory, with the recollections of the sufferings of war still fresh, degraded to the condition of subjects, they bear their yoke with undissembled indignation; and all the arms, which were formerly on our side, or at all events not opposed to us, will be turned against us, as soon as the Italicans have risen upon our ruin. How long can Capua, even if it then dreads Samnium more, continue to trust in our fallen star? How many towns besides will not rise up against us?

"If you now persevere in your resistance, all those will stand by you, to whom your soverainty is more advantageous than that of the Samnites or of Pyrrhus himself: the Latins of the colonies, the Sabellians who are in a voluntary alliance with you:—others, who will remain submissive to you, so long as they see in you the consciousness of your supremacy:—lastly the Carthaginians are ready to lend you help, that the forein power in Italy may be broken before it attempts to reach Sicily. But as soon as you have surrendered yourselves, they will make their own terms: to foreiners your safety is indifferent.

"We went with thoughtless rashness to oppose an enemy, against whose tactics and monsters our forces were not prepared to stand. Even if this new enemy had not been commanded by a great general, our forces might have been conquered, just as they were destroyed by the Gauls the first time, whom we have beaten so often since. To perceive what is useful, to recognise what is better in foreiners and to adopt it ourselves, is the advantage of our nation above all others: if it were not better to preserve our perfection, it would be easy to adopt that of the enemy. We have no want of men capable of bearing arms: it is not difficult to make use in the field of the suspected as well

as the faithful subjects. Only prolong the war, it will exhaust the enemy, not us. Pyrrhus however must be in haste to conclude the war: the boy whom he has left behind to govern his own kingdom, will not be able to defend it, unless the Gauls who have already reacht its frontier, prefer to take possession of richer countries. Moreover he does not rule over slaves, and the Molossians who expelled his father; because he shed their blood, will not send him their sons across the sea, when a countless host of savage enemies threatens their country which is already depopulated.

"Pyrrhus has threatened you with the fate of the prisoners: I am of opinion, that prisoners, in case their ransom is not settled, are always to be regarded as dead: the Senonians committed outrages on our prisoners and embassadors, and you have annihilated them. I am also of opinion, that Pyrrhus, when he sees that the war cannot be terminated by one short campaign, will fear to lay his hands upon them. Let it be well known, that the Italican and Tarentine prisoners shall answer for them; a superiour ally provokes his confederates even without his own fault; and his army which is dying away, can only be renewed by Italicans and Italian Greeks: what would his forces be, if he made them revolt against himself, by sacrificing their fellow-citizens to your vengeance?

"Every one is the architect of his own fortune[858]: you stand at the point, where the road divides, to destruction, or to all those hopes which the arrival of Pyrrhus alone removed from us. I trust, that it is only we ourselves who can destroy ourselves; prophesy, it is true, I cannot; but this I tell you once more, that what you were about to determine upon, is ruin. My advice is, to reply to Cineas, that we too shall willingly accept the friendship of his king, if he returns across the Upper sea, and will sue for it, with-

[858] Quod in carminibus Appius ait, fabrum esse quemque fortunae. Ep. 1. ad Caes. de ord. re p. c. 1.

out interfering in the affairs of Italy: but that so long as he remains in Italy, we will listen to none of his messages. Order the seductive embassador to quit our city, before the next sun rises. What we have prepared hitherto, let us continue, and if possible, let us make still more vigorous preparations. To the Etruscans we ought indeed to grant voluntarily that which may give them the appearance of an equal alliance, and secure peace for ever between them and us. They are forein to the Italicans, hostile to the Greeks, and related to us by their religion and ancient ties. Let your subjects feel, that you are kind to the obedient, implacable to the rebellious."

The severe lecture of the old man, who had, as it were, returned from the lower world, decided the question, and Cineas was obliged to quit the city[859]. He assuredly went away in dismay. What he had seen at Rome, had filled him with astonishment: the city, he said, was a temple, and the senate an assembly of kings. In splendour, it is true, Rome was far inferiour to Athens, such as Cineas had probably seen it before the war of Lachares: nowhere did any marble shine: but the aqueducts, the quays, the walls, the highroads were equal to the greatest works of Themistocles and Pericles: the temples and arcades were adorned by magnificent works of bronze in the Tuscan style in great abundance, and still more by countless trophies: thus the city seemed solemn like a temple. An Athenian popular assembly in its best days might charm and elevate the mind; but it much oftener caused grief: no Greek senate could inspire respect; and since in public affairs externals are not without influence even upon the gravest man, the senators, whose dignity entitled them to the purple, appeared like kings for this very reason.

While Cineas was still at Rome, two legions were formed for the army of Lævinus, which were not levied as usual,

[859] According to Dionysius, the commonalty rejected the peace: ἦν ὁ δῆμος ἀπεψηφίσατο. Exc. XVIII. 20.

but consisted of volunteers[860]. The herald called upon all capable of bearing arms, who would be ready to give up to their country their bodies and their lives[61], and the crowds that were eager to give in their names, were as great as if there had been donatives to receive. Thus the people still acted confidently with their wonted feelings, without scrutinising matters, unlike their nobles. But the city itself was also prepared for defense. It is probable that Rufinus conducted these preparations as dictator; it is known that this dignity also belonged to his honours; never had there been a more pressing occasion for appointing a dictator, and there was nothing to prevent his remaining at Rome, or the consuls' retaining their command in the field.

Lævinus had come to Capua with the remains of his army, consequently through Samnium, which would be inconceivable, unless an army,—that of Barbula, the consul of the previous year, according to the trace in the triumphal Fasti mentioned above,—still maintained itself there in the midst of the country. In Campania he united his forces with the two new legions, and frustrated the attempt of the king upon Capua, who had prest forward thither, joined by all his Italian allies. An attempt to gain possession of Neapolis equally failed. But the Campanian plain, the Falernian district, which was inhabited by so many Roman country people, was laid waste without resistance: Lævinus, avoiding all engagements with the enemy who was far superiour in numbers, followed the army heavily laden with booty, and delayed its advance by petty skirmishes. Of the separate occurrences during this interesting period no recollection is preserved: what towns beyond the Liris opened their gates to Pyrrhus, is unknown to us.

[860] There were consequently ten now: the eighth was already stationed at Rhegium.

[61] ἑαυτοὺς ἐπιδοῦναι, Appian, Samn. x. p. 65.

Two roads led from Campania to Rome: the Appian, which was not yet conducted through the marshes, but past through the towns at the foot of the mountains, could easily be defended at the passage of the Liris, and near Formiæ, Fundi, Lautulæ or Terracina, and from one position to the other; those towns near the hills were honored municipia, old colonies of approved fidelity; Velitræ and Aricia moreover were very strong fortresses, and near the former there was an extremely strong position. Here an obstinate resistance awaited Pyrrhus at every step, and one which would delay him, while he was hastening onward in order to bring over the Etruscans. He chose the Latin road, took Fregellæ by assault[862], and followed his road through the country of the Hernicans. If somewhat fuller narratives were preserved, we should read how here, where the recollection still burnt quite fresh, of the manner in which only twenty-five years before ancient privileges had been destroyed by force, a part of the territory confiscated, and corporations of citizens torn asunder and reduced to a humble condition, — all did homage to him as their deliverer; that it happened thus, does not require to be proved by testimony. He entered Anagnia[63]; the smaller towns with Cyclopian walls, which lie between that place and Fregellæ, the Romans probably did not succeed in retaining by means of garrisons and hostages. From Anagnia he turned to the right towards Præneste, which had revolted from Rome in the second Samnite war[64], and whose leading senators, that had been guilty or suspected of the same crime, had just been put to death. The acropolis of Præneste, which was considered impregnable, also fell into his hands[65].

[862] Florus, I. 18.

[63] *φθάνει ἐς πόλιν Ἀναγνίαν*, Appian, Samn. x. p. 65.

[64] See above, p. 230.

[65] The expression of Florus (I, 18): *prope captam urbem a Praenestina arce prospexit*, can even in such a writer only be understood

His outposts advanced still five miles further on the road towards Rome. But here his progress was stopt. Peace was concluded with the Etruscans, and the army of the consul Coruncanius had entered Rome, while Lævinus making amends by cautious activity for the reproach of too great rashness in the battle, disturbed the communications of the hostile army. This was now all at once in a very difficult position. The hopes that had been entertained, of compelling Rome to accept the prescribed terms under her own walls, had vanisht with the peace of the Etruscans, who had probably even promist auxiliaries. For this reason it may have appeared just as hopeless to attempt compelling the city by blockade and hunger,—especially as the allies had neither a fleet nor a harbour upon this coast, while Rome might reckon on the assistance of Carthage and perhaps on that of Massilia also,—as it was foolhardy to storm it: to the arts of besieging at that time, the fortifications were in very few places accessible. But it is surprising that the king resolved upon retreating, instead of establishing himself in the districts he had taken possession of, and gaining still more ground by besieging less important towns, and perhaps forcing to an engagement the still divided forces of the Romans. It is scarcely conceivable, that the same impatience of the disappointment of an expectation, which so often induced Pyrrhus to turn back too hastily, should have led him to act in this decisive way without necessity, nay, without reason: there may however

literally; and the circumstances mentioned in the text make it quite clear, how Pyrrhus came to the acropolis. *Ad Praeneste venit*, in Eutropius, II. 7, is to be taken much less strictly, and the addition, *milliario ab urbe* XVIII, shews, that in the narrative which this epitomiser had before his eyes, the distance from the extreme point on the Prænestine road to where the enemy had advanced, was meant: this is five miles on this side of Præneste, which is situated twenty-three miles from Rome. Between Anagnia and Præneste there were twenty-four miles; consequently Eutropius and Florus, who agree with the exception of two miles, contradict the statement of Appian, according to which the king began his retreat at Anagnia.

have been much danger in his position. The army had indulged itself in amassing superfluous booty[866]; this booty they dragged along with them; for the Romans alone understood how to rid their armies of such burthens, without depriving the soldiers of their rewards: and if such an abundance of booty would destroy all discipline in an army thoroughly united, much more must this have been the case with one consisting of different and independent nations. Here, as soon as there was a necessity for remaining stationary for a time, a famine might come on; the more prisoners a soldier carried with him, the more difficult was it to obtain provisions; and if the want of discipline should increase so much, that the Italicans returned home with their booty, every thing might be dissolved. The Epirots, moreover, no less than the Macedonians, probably demanded comfortable winter-quarters, as a right indisputably due to them.

That the Hernicans and Prænestines conjured the king not to forsake them, requires no narrative to believe. Whether taken with or without sufficient reason, the resolution to make this retreat was followed by consequences as important as the retreat from the Champagne, nay permanently by still more important ones.

If Coruncanius followed the retreating enemy, and endeavoured to chastise them for the ravages which must have been increast tenfold at this moment,—and how could it have been otherwise?—the Appian road, as it then existed, was the necessary line of his movements, as he would march on the flank of the enemy upon the chord of the Latin road, and separated from the Appian by no great distance and by such districts as were favourable to enterprises against the heavy train of an army, now too large and overladen. Pyrrhus sent the elephants ahead, probably less with the view of breaking through obstacles by their means, than of protecting them from injury. In

[866] Appian, Samn. x. p. 65.

Campania[667] he found himself opposed by Lævinus, who joined by all his reinforcements, commanded an incomparably more numerous army than on the Siris[68], and offered battle without wishing to force it. "What is this?" he called out at the sight: "am I fighting with the Hydra?" Nevertheless he drew up his army in order of battle, and as a challenge commanded them to raise the war-shout and to beat their spears against their shields[69]: trumpets and the cries of the elephants fell in with the immense shouts. The Romans answered them with such joyous shouts and music, that the king did not think it advisable to strike the blow;—the sacrifices excused it: the Romans followed no further, the allies dispersed; Pyrrhus himself took up his winter-quarters at Tarentum. Here the soldiers enjoyed themselves, selling the prisoners and booty and squandering the money. To the legions which had been defeated on the Siris, no rest was allowed: Lævinus was obliged to lead them into Samnium, and to remain with them in a fortified camp, where under roofs of hides amid the snow of the mountains, and compelled to wrest their bread from the enemy, they were obliged throughout the winter to atone for the misfortune of that flight[70]: the want of all information respecting the com-

[667] Campania is mentioned by Appian, Zonaras and Eutropius: if this refers to the country, to which this name was then limited, Pyrrhus must have crost the Vulturnus not far from Capua, which is not at all credible.

[68] Certainly six legions.

[69] That is the brazen shields of those armed according to the Greek custom; the Roman ones, which the Italicans also carried, did not sound.

[70] Frontinus, IV. 1. 24. The district where they were obliged to pass the winter, is called in the manuscripts which can all be of very little authority, *Serinum, Servium, Sirinum, Sitrinum, Sutrinum:* Oudendorp should not have adopted *Firmum,* even if it had had more external authority in its favour than the statement of Scriver, that it exists in some manuscripts: if it had been found in all, it should have been struck out of them. With that place the Romans

pulsory or voluntary return to obedience of the places that had revolted, does not prove, that those which were abandoned, and near Rome, maintained themselves during this winter.

Now at least every prospect had disappeared of a speedy termination of the war according to the wishes of Pyrrhus, and the hope of a successful negociation for the liberation of the prisoners[871] without a peace had by no means been previously annihilated in consequence of the proposals of Cineas. The number of embassadors was, as usual, three: C. Fabricius, Q. Æmilius Papus and P. Dolabella: all heroes of that time, and who had undoubtedly been legates in the campaign which was now concluded. In order to protect them from insults, Pyrrhus sent them an escort to the frontier of the Tarentine territory: he himself with his officers received them at the gates. His desire of terminating the war as a friend of the Romans, had been raised to the highest pitch by the issue of the campaign, which

had nothing at all to do. My alteration is made from the forms of the letters, and internal reasons for it I have explained in the text. A preposition, either *ad* or *in*, must certainly be restored: the bad quarters were not *in* a town. One might, together with *ad*, write *Ferentinum*, F and S resembling each other very much in the semi-quadrata: a greater errour in the forms of the characters is to me more probable than the omission of several letters; otherwise it would have been a sufficiently bad life during the winter before Ferentinum, which had revolted according to my supposition, in order to reduce it by famine. The excellent Radbod Schele had a similar idea in his reading *in Setinum*.

[871] These were now no longer those of the battle only; but in addition to those who had fallen into the hands of the king in the places he had conquered, as Fregellæ, the Roman garrisons also which had been delivered up to him by the towns which had overcome them, as Locri. And thus Appian's expression, that they were a large number (τοιούτους καὶ τοσούτους p. 65), may be quite correct: which is in accordance with Dionysius (πολλοὺς καὶ ἀγαθούς, p. 745. Sylb.), and Valerius Maximus (*magnus numerus*, II. 7. 15). Those who were unarmed fell to the share of the soldiers as booty, and do not here come into consideration at all.

already made him impatient to conclude the war in some honorable manner.

The business of the embassadors was to obtain the exchange of prisoners in return for Tarentines and other allies, or their ransom. The king was no longer in such a position as to appear able to shew to his allies, how little he deemed them equal to the Romans. Nevertheless he rejected the proposal; what he granted instead, was suggested to him by a prudent calculation of determining the decision of a republican people by direct individual influence, and by the desire of expressing to the Romans his feelings for them and their virtue. He gave all the prisoners permission to return to Rome with the embassadors and there celebrate the Saturnalia. If then the senate accepted his terms, they were free: but if this were not done by a certain day, they pledged their word to return. What he here expected of thousands, he would in Greece have believed possible only of a few Spartans.

The prisoners who had obtained this furlough, supported by numerous connexions, exerted all their powers in vain to induce their countrymen to make peace: they were obliged to return into captivity, and the senate denounced the punishment of death against those, who should be untrue to their word; so that not a single one remained behind under any pretext [872].

[872] This is the narrative in Appian, Samn. x. p. 66. 67. and Plutarch, Pyrrh. p. 396. b. But respecting this event there likewise exists an entirely different set of reports, which turn upon the circumstance, that the prisoners were set free unconditionally; among them was Livy,—according to the Epitome XIII, Florus (I. 18), Eutropius (II. 7), and Victor de Vir. Ill. 35,—and Dion, according to Zonaras. And that Ennius at least agreed with them, follows from the speech addressed to the Roman embassadors: *hoc simul accipite dictum:— Dono: ducite:*—and from the circumstance that Cicero, when he wrote down the beautiful saying of the old poet, evidently knew nothing of an obligation to return confirmed by a decree of the senate, inasmuch as he mentions only the example of Regulus and of the prisoners of Cannæ (de Off. I. 13. and III. 31. 32). These authorities

This embassy is more celebrated in history than any other is or will be, because in it Pyrrhus became acquainted with Fabricius. The difference in the virtue of two noble men, who, belonging to nations entirely different, had no resemblance at all in education, belief, manners and cultivation, is worthy of the most serious attention. What is recorded respecting them, and certainly by Greeks, is so generally known, and conversations without witnesses, which may not have been written down till they had past through numerous mouths, are so far removed from historical credibility, that I may pass them over.

Compelled to confine his plans to obtaining gradual conquests from the Romans, the king opened the following campaign, 467 (473), in Apulia by laying siege to fortified places: if he succeeded in depriving the Romans of these, then Samnium was no longer surrounded, and the country as far as the Vulturnus was cleared of enemies. The most important however of all fortresses, which Rome possest in Apulia, was Venusia; and the circumstance that it was near Asculum in Apulia, where the two consuls, P. Sulpicius and P. Decius, with their united armies met Pyrrhus, admits, I think, of no doubt, that he was then besieging Venusia, and that they came to its relief. The armies faced each other for some time, with very little inclination to begin a battle: in the camp of Pyrrhus alarm had been spread by the Italicans by the expectation, that the plebeian consul, after the example of his father and grandfather, would devote himself to the gods

may decide many an one against the narrative I have chosen, which indeed I consider to be that of Dionysius alone, especially as his narrative (Exc. XVIII. 27) breaks off in such a manner, that one might also place him on the other side. But this appearance signifies nothing: Appian and Plutarch probably followed him here, as they always do; and the contemporary Greeks whom he made use of, were a hundred years older than Ennius:—and the succession of events thus fits incomparably better.—There is again another narrative in Justin (XVIII. 1), that only two hundred prisoners were set free without ransom.

of the lower world and them to destruction; an apprehension, which induced Pyrrhus, — who, in perplexity himself between a foreboding belief in mysterious powers and the influence of the Epicurean circles by which he was surrounded, would probably have been unable to see such an attempt at magic without uneasiness, even apart from the disposition of his soldiers,—to publish a description of the attire which the devoted man would wear, and to command that whoever appeared in it should on no account be injured, but taken alive; and also to inform the consul, that if he should then come into his hands, he would not treat him as an honorable warrior, but as a juggler who dealt in evil arts.

Asculum lies on the edge of the mountain towards the Apulian plain: and on ground, where Pyrrhus was unable, to some extent, to use the forces in which his strength lay, the advantage in the first engagement was altogether on the side of the Romans. But Pyrrhus manœuvred, and compelled the Romans to march into the open plain[873]. His intention was to decide the battle in the same way as on the Siris, and the elephants accompanied by a number of light-armed soldiers were to fall upon the flank of the legions. The Romans, on the other hand, made superhuman efforts to effect what was impossible: — to overwhelm the phalanx in front: every Roman, who threw himself upon the sarissæ, did what has made Arnold of Winkelried immortal; but in vain; where Pyrrhus himself commanded, the fruitless attack became changed into flight. At the same time the elephants had broken into the lines irresistibly, and frightened the cavalry. But the field of battle was not far from the Roman camp, and this saved the defeated: hence only 6000 of the

[873] We are not obliged to suppose that this took place on the day following, since the narrative of Hieronymus is only known to us through the report of Plutarch, who also read it with haste. It is therefore all the more likely, that the earlier engagement was overlookt by Dionysius.

Romans fell: of the troops of Pyrrhus, according to the report of the king, 3505. This was the account of Hieronymus of Cardia, a contemporary, who wrote in a disparaging manner of all other kings, and favored none but Antigonus, the adversary of Pyrrhus[674]. Now when he is silent respecting the fact, that, after the battle had lasted till sunset, Pyrrhus retired from the field, wounded in his arm by a pilum, and that this saved the Romans from a defeat[75]: this can surely neither have been unknown to him, nor can he have wisht to pass it over in silence: and even if the king's reports reduced the number of his own dead, perhaps by passing over the loss of his allies, they certainly did not diminish the loss of the Romans also by three fifths. I suspect, that Dionysius copied Timæus, who, as it is known, related this war in a special work. It is true that that account was found in the Roman annals also, for Livy had it[76]: one might be inclined to believe, that, as a compensation for it, Fabricius was wounded, according to the same account[77]. There seems much more trustworthiness in the statement, that the king's camp was plundered during the battle by his own auxiliaries, which might deprive him of a real victory[78]. But now when the Roman annalists, after the assertion which is itself untrue, that the day remained undecided, go so far as to ascribe to themselves a decisive victory, in which half of the enemy's army 20,000 men had fallen, and of their own which was equally strong, only 5000, we cannot do otherwise than reject them, along with their statements respecting the number of standards lost on both sides[79]:

[674] Pausanians, Attic. c. 9, 10.

[75] Dionysius in Plutarch, Pyrrh. p. 397. A.

[76] Otherwise it would not be found in Eutropius, II. 8, and Orosius, IV. 1.

[77] Orosius, IV. 1.

[78] Since the movement of troops to stop the mischief, appeared like a disposition for a retreat.—According to Dionysius the marauders were Samnites, according to Zonaras Apulians.

[79] In Orosius, IV. 1.

nay also respecting the drawing up of the allied army[880]: and how the elephants were rendered wild by firebrands and driven upon their own people[81]. And that no one may deceive himself, as to what the history of this war was in the Roman annals, we must remark, that a tradition, which Cicero himself believed, and which may probably have come early into his memory from Ennius, — as every reader of Shakespeare retains his descriptions indelibly in opposition to the corrections of a critical history, — related, that Decius, the grandson, had devoted himself in this battle to the gods of the dead[82].

[880] In Frontinus, II. 3. 21. This is in direct contradiction to the express statement of Polybius, that Pyrrhus drew up spires and cohorts alternately: on the Siris he had not yet any Italicans, and if he stationed them apart at Asculum, the former arrangement could only have taken place in the last battle; and then the result would have decided against it and in favour of the phalanx. To set forth other reasons against the probability of this, would lead too far. Such transitions in the narratives may in quiet times of peace seem quite inconceivable. I have been an eyewitness of a heroic battle, which was however decisively lost, but its consequences checkt by a treaty: and I also saw, through what steps after a few days all the conquered, with the exception of those who had been in the fire, came to consider themselves as the victors.

[81] I will by no means deny, that the Romans tried this method to ward off the animals, as we read in Orosius and Zonaras, and also in Vegetius, III. 24. For Freinsheim has certainly made a happy conjecture in supposing, that the description of the machines for this purpose refers to this battle. If such machines were used, we must suppose, that they were drawn up to the place where the attack was expected, and the horses taken off: for by far the greatest danger from the elephants consisted in their becoming shy: but I think it quite certain, that the success was any thing but important. Ælian, H. A. I. 38, knows a far simpler means, which the Romans made use of to render the elephants of Pyrrhus shy: namely, a herd of swine.

[82] The confusion in Zonaras, according to whom the consuls first cross the river (Dion was certainly thinking of the Aufidus), conquer, and yet cross again afterwards from their camp, is one which we might feel inclined to set down to his own account: Dion has to answer for the statement, that Pyrrhus left them the choice of the field of battle.

It was quite a fruitless victory: Pyrrhus, far from attempting to attack the Roman camp, withdrew to Tarentum. The flower of his troops lay on the field of battle, and after this sight the king had answered the congratulations by saying: "One more such victory, and I am lost!" The want of discipline among the allies and their bad disposition, which were manifest by their plundering the camp on the day of battle, shewed that no reliance could be placed upon them: two different occurrences however seemed to have rendered his retreat unavoidable and also the inactivity, in which the remaining part of the year past away. Rome and Carthage, which had hitherto been connected only by treaty, concluded a close defensive alliance[883]. It was provided, that neither should make a treaty of friendship with Pyrrhus without the accession of the other, in order that, if he attackt the latter, the former might still have the right of sending succours. The auxiliaries were to be paid by the state, which should send them; the ships to convey them to and fro, were to be given by Carthage. The latter was also to afford assistance with ships of war, in case of need; but the marines were not to be compelled to land against their will. This clause "in case of need" Carthage, with the wish of compelling Pyrrhus to return to Epirus, may probably have interpreted in such a way, that, without waiting for a summons from Rome, a fleet of one hundred and thirty galleys[84] under Mago cast anchor near Ostia, at the disposal of the senate. It was dismist with thanks without being used; probably because Rome did not wish the Pœnians to carry off the population and wealth of Italian towns[85], or because it feared lest they should establish

[883] Polybius, III. 25. The Epitome mentions it after the battle of Asculum: but we cannot rely much upon this I think.

[84] Valerius Maximus, III. 7. 10: or one hundred and twenty. Justin, XVIII. 2.

[85] As they had a right to do according to the treaty, Polybius, III. 24, and as the Romans stipulated for themselves with the Ætolians.

themselves in Italy. There was no need of their assistance[886]. The Punic admiral now went to Pyrrhus as a neutral and unsuccessful mediator of peace, as the latter was already known to have directed his thoughts to Sicily[87]. Moreover in the spring or summer of this year the Gauls had invaded Macedonia, and the frightful defeat had occurred, in which king Ptolemy fell and his army was annihilated. Epirus itself was thereby threatened with great danger; to take recruits from thence became impossible: still less could any one think of auxiliary troops, such as had previously been given through the wish of keeping Pyrrhus employed at a distance. Disturbances broke out among the Molossians[88]: the youth fell in a hopeless war, while the depopulated country abandoned by its king, was in danger of being overwhelmed by the barbarians. But the war prest heavily upon the Romans also; and it must have been all the more difficult to raise the taxes, as so much of the domain land and such as was assigned, was in the hands of the enemy: it may have been about this time, that, as the public purse was drained, an oracle coming from the temple of Juno Moneta inspired confidence; money, it said, would not be wanting, if the people exercised arms and justice[89]. Thus the war was very disagreeable to both parties, and the hopes in Sicily, which promist to compensate Pyrrhus for his disappointment in Italy, made him more and more impatient to be able to proceed thither, and an occurrence which became the occasion of terminating the hostilities, happened so opportunely and was made use of in such a way, that it is difficult to consider it any thing better than a stratagem that had been agreed upon.

This is the famous history of the traitor, who, when

[886] Thus arranged and understood, this remarkable occurrence is freed from all the absurdities, which attach to the narrative of those thoughtless declaimers.

[87] Justin, XVIII. 2.

[88] Appian, Samn. XI. p. 67.

[89] Suidas, s. v. Μόνητος.

the consuls C. Fabricius and Q. Papus were opposed to Pyrrhus in 468 (474), offered to poison the king, and whose intention the Romans are said to have honestly denounced: for this general statement, after removing the contradictions, is all that remains of the history which has been repeated innumerable times[890]. Now I will by no means deny, that the complete incompatibility of several accounts, when all criteria are wanting for deciding in favour of one, does not prove that all are invented; nay, if all which are preserved were so, it does not follow, that the one which was akin to them and founded on a historical basis, has been lost to us. But the credulous on the other hand should not deny, that, where such contradictions exist in an affair that has been frequently repeated, there prevails a rumour which forms statements arbitrarily, and which may begin not only with very slight and

[890] According to two accounts the criminal was a noble who came secretly to Fabricius. Valerius Antias, and Valerius Maximus who copied him, call him Timochares of Ambracia, and state that he intended to avail himself of his sons, who served as cup-bearers (here a recollection of Iollas is at play); and that Fabricius reported the matter to the senate, which sent embassadors, but with the command to keep secret the name of the guilty man. Claudius Quadrigarius, and Dion (Zonaras) who copied him, call him Nicias, and state that it is the consuls who write and denounce the criminal. A third account leaves the traitor nameless, but says that he was denounced by Fabricius and delivered up: this account is found in the Epitome, Cicero and Appian, to the last of whom I unhesitatingly ascribe the fragment in Suidas which bears no name, s. v. ἀποστυγοῦντες. All these therefore contradict that version of the legend which has been most widely spread, that the king's physician was the guilty person. But those who adopted this version again disagree from one another: according to Seneca, Plutarch and Ælian he sent a letter and was betrayed: and as Claudius gave the letter of Nicias, so Plutarch gives this one: according to Florus, Victor, Eutropius and St. Jerome he had come into the Roman camp and was delivered up. Now to multiply the differences to the utmost possible extent, St. Jerome connects the occurrence with the battle of Asculum, and the physician offers to poison the king's wound. Florus names Curius instead of Fabricius, and Ælian the physician Cineas!

insignificant materials, but sometimes creates them entirely or transfers them from forein countries and times: a thoughtful historical narrative rejects such things. But in this case it seems to me scarcely doubtful, that it was only a report that was spread, which gave both powers a decent pretext for negociating and concluding a truce, notwithstanding the former declarations on both sides[891].

The senate had decreed to accept no embassy, until Pyrrhus should have quitted Italy; but such an one as that in which Cineas led back all the prisoners clothed and honored with presents[92], and offered the king's thanks for the saving of his life, could not come under this decree. What had been refused to the Roman embassador a year and a half before, was now freely granted, and the exchange of the allies which had been then rejected, was now accepted, and this may have calmed their excited passions. To obtain for his allies a tolerable, and for himself a decent, peace, was the commission of his embassador. Those who had remained stedfast in danger, did not allow themselves to be persuaded from making use of their good fortune: and although it was a glorious thing according to the custom of the people to increase the wealth of one's house, yet men and women refused the rich presents of money and ornaments which were sent them, offering their friendship without gifts, if Pyrrhus should be reconciled to the republic[93]. That however a truce was concluded, under cover of which Pyrrhus went over to Sicily, seems to be sufficiently attested by the express words of Appian[94]:

[891] The course of things was exactly the same as in the year 1806, when Fox assumed the appearance of revealing the pretended plot against Napoleon's life: it was known on both sides, that they were playing a farce, and they did not deceive one another: an opportunity for negociating was thus obtained.

[92] Dionysius, Ec. XIX. 3.

[93] Appian, Samn. XI. p. 67, Valerius Maximus, IV. 3. 14, Livy, XXXIV. 4.

[94] μετὰ τὴν μάχην καὶ τὰς πρὸς Ῥωμαίους συνθήκας εἰς Σικε-

peace was again refused, until he should have evacuated Italy.

This was not done; the command of the troops which kept possession of Tarentum and the Italiete towns, was given to Milo[895]: Alexander, the king's second son, resided at Locri as governour[96]. The Tarentines demanded that the garrison should be withdrawn, if the Epirot army would no longer assist them in the field; but Pyrrhus bade them accommodate themselves to his circumstances. He had no want of valid reasons to justify himself against the complaints of his allies. It would be for the advantage of their common interests—he might have said to them,—that he should accept the throne offered by the Siceliots, which would secure him the soverainty over the whole island: that from Epirus he could obtain no reinforcements: that there, as well as in Greece, the people must be in arms, looking for the direction in which the monstrous hordes of the Gauls would turn[97]: that Sicily cleared of the Carthaginians, would be able to afford both men and money; and that from thence he should be able to support Italy permanently. That he had completely fulfilled the obligations he had undertaken, he might have said, was attested by the battles he had sustained, the first of which he had fought without a single Italian cohort, while in the second he had conquered by his own men alone, and through their want of discipline had been deprived of the fruits of his victory. Nowhere had they performed what he had expected from them according to their promises. He would not withdraw from them any of their own forces, and it was only in a

λίαν διέπλει, Appian, Sam. XII. p. 69. Justin, XVIII. 2, who speaks of a mission of Fabricius and a formal conclusion of peace, would prove still more, if he did not immediately afterwards confound the two embassies of Cineas.

[895] Zonaras (VIII. 5.). [96] Justin, XVIII. 2.

[97] Those of Brennus and Acichorius, which were completely destroyed in the autumn of the same year, Ol. 125. 2, on their march to Delphi.

defensive war that the garrisons, for which he weakened his own forces, were an important assistance: if he himself should remain in Italy with no greater forces than he now possest, he should not any the more be able to keep away the war from their territory, and this was the consequence of their lukewarmness, or their weakness.

Two years and four months after he had landed at Tarentum[898], Pyrrhus embarkt his elephants, eight thousand footsoldiers and an indefinite number of horsemen[99] for Sicily in sixty galleys, which had been sent him by the distrest Syracusans. What he accomplisht there, is forein to Roman history; here it is sufficient to say, that he stayed three years in Sicily, and if he had not been misled by imprudent advisers, Siceliots, who were satisfied with nothing but the permanent security that the Pœnians should no longer have a footing in the island, he might have held the whole of Sicily as a kingdom, with the exception of the impregnable Lilybæum, and would have received ships and subsidies from the Carthaginians. By concluding such a peace with only one of the parties, the treaty with Rome would have been violated, but that there prevailed a deeply founded mistrust between the two republics, which rendered such treaties nugatory, is clear even from the fact, that Roman auxiliaries were either not demanded or else were not given for the defense of the Punic province: though Carthage, it is true, raised soldiers in Italy[900]. The failure of the siege of Lilybæum, the

[898] Diodorus, XXII. ecl. 11. Consequently about the end of May: he had come over to Italy before the spring, which begins at Rome on the seventh of February (Pliny, H. N. II. 47, and it does so in reality).

[99] In Appian, Samn. XI. p. 69, the words which are wanting have not dropt out after ἐλεφάντων, but after ὁκτακισχιλίων, namely πεζῶν and the number of the cavalry. Those who insert here 30,000 for the infantry, do not bear in mind that this number in Plutarch, as well as in the Excerpta from Diodorus, is the number of the whole army, which Pyrrhus had assembled for the siege of Lilybæum.

[900] Zonaras (VIII. 5.).

disagreement of the king and the Siceliots, which drove them to senseless faithlessness and him to cruelty, destroyed his success: he gave up the kingdom tired of struggling for it, and used what he had gained like an abandoned wreck, in order to appropriate to himself what could be carried away. This booty was so considerable, that he would have been able to resume the war against Rome with means as powerful as those he had brought across the Ionian sea five years before; but his evil star had already got the ascendant, and the greatest part of the dishonorable booty did not reach the coast of Italy.

A heavy sentence was past at Rome upon the prisoners who had been sent back: they were pronounced infamous[901]: the horsemen were degraded to lancebearers, and the lancebearers to slingers, each one, until he should have brought the spoils of two enemies: they were to serve as sentinels outside the camp, without protection against the weather, and were not to be allowed to protect themselves by ramparts.

It is a great loss that we possess no information at all of the way in which the Romans brought their revolted subjects back again to submission; whether it was chiefly by force or by wise moderation; and how their punishment affected them and their relations were changed. We can easily dispense with the history of the campaigns against the Italian allies of Pyrrhus whom he had forsaken: things which have happened in our own recollection and which we have all but seen ourselves, guide us in drawing a safe picture of them until they were terminated by universal submission. It was the struggle of unyielding and implacable obstinacy in a nation, that can no longer send armies into the field, against a mighty military power, which has establisht itself in the heart of the country and is resolved upon complete subjugation or annihilation, which may now

[901] *Infames*, ἄτιμοι: see vol. II. p. 399, Eutropius, II. 7. Like those who had deserted the standards.

and then suffer loss through the carelessness of its generals and the stratagems or despair of the enemy, but which nevertheless continually gains a firmer footing and acquires more and more ground. Of this kind we conceive the campaign to have been, which Fabricius carried on against the Lucanians, Bruttians, Tarentines, and Sallentines in the same year in which Pyrrhus directed his steps to Sicily, and with such success that he was able to triumph in consequence, and in which Heraclea went over to the side of Rome upon honorable conditions [902], such as were recommended by the importance of so opportune an acquisition.

In the year 469 (475) P. Rufinus and C. Junius Bubulcus, who had both been invested with the consulship towards the end of the third Samnite war [3], were again elected to it, and both were ordered to conduct the war. They settled down in Samnium with both their armies, scaled the walls of the townships which still held out or had been rebuilt, and rooted out life and cultivation. The Samnites had carried away their wives and children with their property into inaccessible forests on the mountains, against which the Romans made an inconsiderate attack that cost them many dead and prisoners. That the Samnites were able to prolong their existence by such means only, and could no longer appear in the field, is clear from the separation of the consuls who quarreled on account

[902] Cicero, pro Balbo, 22 (50).

[3] The interposition of Fabricius for the appointment of the former, and the malicious wit by which he guarded against being regarded on this account as a friend by the man he had favored, must be referred to his earlier consulship, for at the time of his second the republic was in no danger, if the anecdote really refers to a consular election, and not rather to a nomination to the dictatorship, namely, after the defeat on the Siris;—another saying, by which Fabricius cast the fault of the defeat upon Lævinus alone (Plutarch, Pyrrh. p. 394. b.) shews that he certainly thought the appointment of a dictator necessary. It is in accordance with this supposition, that in the Excerpta of Dion we find mention of Rufinus and of this anecdote between 454 (460) and 466 (472).

of this repulse, and from C. Junius remaining alone in Samnium[904], while Rufinus marcht into Lucania and Bruttium.

Croton surrounded by walls, the circumference of which equaled those of modern Roman[5], was only a shadow of what it had been little more than two centuries ago, when it ruled over four nations and sent armies of more than a hundred thousand men into the field, when it destroyed Sybaris, and was preparing for all the Italietes the choice between submission and a like fate. The day on the Sagra was the Leuctra of the Crotoniats, and civil feuds and tyranny must already have reduced them from much of their early greatness, before the Lucanians deprived them of their empire[6]; the elder Dionysius gained possession of Croton by force of arms[7], and a sinking town, which had unceasingly to defend its existence against the Sabellians, who would not rest until they had expelled all the Greeks from their coasts, could not recover again from such a calamity. Scarcely fifteen years before Pyrrhus

[904] According to Zonaras: the Fasti however ascribe to him a triumph over the Lucanians and Bruttians; but to Rufinus none, notwithstanding his brilliant success at Croton. He had therefore probably been made responsible for the above-mentioned defeat.

[5] Twelve miles, Livy, XXIV. 3. Undoubtedly from a Greek writer—Polybius—who mentioned a hundred stadia, no exact measurement.

[6] To determine the time of the battle of the Sagra is, I think, impossible with the information that has hitherto become known: to place it in the age of Stesichorus on account of the tale in Pausanias, Lacon, c. 19. 11, would be ridiculous. In accordance with internal probability one might place it after the destruction of Sybaris, and suppose that Croton was weakened, when the restoration was undertaken that would have deprived them of the rich territory. Dionysius mentions the tyrant Clinias (Exc. Peiresc. p. 538) before Anaxilas of Rhegium.

[7] Livy, XXIV. 3. That we read nothing at all in Diodorus of any of the years of the tyrant's reign, in which the occurrence falls, can only be the consequence of mutilation.

crost over to Italy [908], Agathocles had without any difficulty besieged and taken by storm the town, which obeyed a tyrant and was lulled into security: and now it was so depopulated that its men were no longer sufficient to defend its walls; the party which was opposed to Rome, saw no safety except in receiving a garrison of Lucanians, who perhaps had ceast to be its mortal enemies since Bruttium had become independent. When Rufinus appeared before the town depending upon the proposals of the Roman faction, he discovered the presence of these troops only by a sally in which his attack was repulsed; and he was encampt a long time before the walls without effecting any thing. But he succeeded in deceiving the king's commander Nicomachus, and making him believe that instead of continuing a tedious siege he was turning towards Locri, whither he had been invited; he broke up his camp and marched thither, and Nicomachus was proud of his activity, when he learnt after hastening to the threatened town, that Rufinus was approaching. But scarcely had the latter received the expected news, before he returned by forced marches to Croton which he entered, favored by treachery and a fog. Nicomachus hastened after him, but found the town already fallen, and the road in the possession of the enemy, so that he only got back to Tarentum with great loss. Those who had escaped the sword and slavery were visited in this same war, probably during the return of Pyrrhus, with fresh destruction, since the rebels of Rhegium laid the town in ashes and cut to pieces the Roman garrison [9]. The survivors, a few thousands, collected together in a small part of the circumference, and inhabited, as was the case at Rome in the middle ages and at Pisa, an open place, which was separated on all sides by rubbish—and fields arising out of

[908] For the pretext of Agathocles for sending his fleet along the coasts, was to accompany his daughter Lanassa to Epirus.

[9] Zonaras, VIII. 6.

it[910]—from the ring-wall that had become quite forein to them, until even this shadow of a Crotoniat people vanisht completely after seventy years[11]. Thus ended the greatest town of Italy, from which the doctrines of Pythagoras had spread among the Greeks. Meanwhile Locri also had gone over to the Romans. The outrage upon the Roman garrison did not allow the possibility of reconciliation, till an equal one had been committed upon the enemy's garrison that had been received[12]. This was also provoked by the insults the people had suffered from it, and they murdered the commander and his soldiers.

There was also a triumph in the year 470 (476) over the Samnites, Lucanians and Bruttians: and the people in distress implored Pyrrhus to save them: this enabled him to justify to himself his want of perseverance in giving up Sicily. But his return was difficult: the Mamertines were his enemies, and he was obliged to embark either at Catana or Tauromenium: neither the port of Rhegium nor Locri was open to him, and yet there was urgent necessity to sail over to the coast of Italy as quickly as possible, since a Carthaginian fleet was waiting for him in the Faro. Pyrrhus met this, it is true, with 110 galleys; but his crews had been raised by force, and this had more than any thing else excited against him the feelings of Sicily; they knew that they were to be sacrificed, in order to protect the far more numerous fleet of transports, which

[910] Livy, XXIV. 3. The ruins of the buildings around modern Rome are buried like corpses, and in consequence of their mortar they have given to the vegetation which arises upon them, a luxuriancy that it did not possess in many places, where the soil is originally poor,—just as a field of battle becomes fertile.

[11] In the chronicle of Eusebius the taking of Croton is placed in Ol. 124. 1 or 2: according to this the town must have been taken in the Lucanian war and afterwards revolted to Pyrrhus. But it is only the same errour in referring Italian occurrences to Olympic years, whereby afterwards the surrender of Tarentum is assigned to Ol. 125. 2: and which prevails in Livy (see above, note 293).

[12] Livy, IX. 16.

was to carry over the booty of their country and the soldiers levied among them, who were destined never to return if they reacht Tarentum. Hence the Carthaginians had an easy victory; they sunk seventy ships of war, and only twelve escaped uninjured to the coast between Rhegium and Locri, where every thing that was saved, was landed. In order to continue his march, he was here obliged to defeat the Mamertines, who were expecting him in narrow passes with ten thousand men; he suffered severe loss and was wounded himself; but the terrour which goes before a general, whom every single enemy feels to be superiour to himself, and which is increast by personal deeds of heroism, paved for him the way. Locri, which was compelled to submit to him again, was severely chastised by executions and fines.

Now whether it was, that the military funds were lost with the ships, or that ready money did not form any considerable part of the Sicilian booty, Pyrrhus found himself in great difficulty at Locri through the demands of the soldiers to whom pay was due[913]: and as he could obtain no contributions from the allies[14], he took possession, in consequence of the advice of some Epicureans, of the sacred treasures in the temple of Proserpine in that town. That the ships in which these were conveyed, were driven back into the harbour or upon the coast of Locri by the storm that overtook and scattered the whole fleet in its passage to Tarentum, was proclaimed as a miracle, and who can discover what and how much have been added to a story that is differently related? That a mind like Pyrrhus's was so struck by such an occurrence as to restore the stolen treasure, was natural; that which alone gives the event historical importance in our eyes,—among whom no one with Dionysius[15] can play the believer, as

[913] Diodorus, Ex. Peir. p. 286.

[14] Dion, Fr. XLII. p. 20.

[15] Whose demonology, if any other proof were required, would

if the well-deserved punishment of the irreconcileable goddess had from this moment followed the sacrilegious man and drawn him down into her dark empire,—is, that the king ordered the unfortunate advisers to be put to death[916]. He who fancied that he could make atonement in this way, was wandering in his mind, and broken down.

He is said to have led twenty thousand foot and three thousand horse to Tarentum[17], consequently nearly the same number as he had embarkt in Epirus five years before: but the Epirot veterans lay dead, and the Greek vagabonds or barbarians[18] who filled their places, were never true and faithful to a Greek king, and no longer composed that mass which was more irresistible by its spirit than its arrangement. However on the return of Pyrrhus the consternation revived, with which the Romans had previously heard of his approach, and miraculous signs opprest their hearts. A thunderstorm had shattered the clay image of Summanus on the top of the Capitoline temple: the head was found no where: this seemed to bode the unavoidable fall of their empire, but the science of the Aruspices discovered that it had been thrown into the Tiber, and it was found in the bed of the river at the spot indicated by them[19].

When the consul Manius Curius held a levy in 471 (477), those who were called up, did not appear: Curius sold the property of the first who disobeyed; no tribune

shew how far he was removed from the belief, which in the time of Pyrrhus no longer existed any where among the Greeks.

[916] Appian, Samn. xi. p. 69.

[17] Plutarch, Pyrrh. p. 399. b.

[18] The majority of the troops raised in Sicily consisted of barbarians.

[19] Cicero de divin. i. 10 (16). Livy, Epitome xiv. A tempest such as, especially in the South, often appears in conjunction with thunderstorms, might easily carry so far the colossal and hollow shell: and thus the material part of the narrative contains nothing manifestly impossible, which it is worth while to point out: the ad-

protected the infamous citizen; and the levy went on. Two consular armies marcht into the field; Curius into Samnium, Lentulus into Lucania. Pyrrhus advanced against the former, reinforced by all the male population of Tarentum capable of bearing arms. A Samnite army joined him, but weak in numbers, desponding and disaffected: he took a part of it with him, and sent off the other part to support the Lucanians and detain Lentulus, that he might be able to fight with Curius alone[920]. The latter had taken a strong position on the highths near Beneventum, and entrencht himself: here he endeavoured to avoid a battle, until he should have been joined by his collegue who was on his march: the auspices too were unfavorable. Pyrrhus made preparations to fall upon the Roman camp before day-break with pickt troops and elephants; as fortune had deserted him, a dream frightened him when he had fallen to sleep at the beginning of the night, and he wisht to recall the orders he had given, but his generals prest him not to delay till the arrival of Lentulus should ruin all his hopes. In order to gain the top of the hill above the Roman camp, the soldiers were obliged to make a long march through pathless woods by the light of torches: time and distance were badly calculated, the torches did not burn long enough[21], the columns lost their way, and it was already broad daylight when they descended from the highth. Even thus their appearance was unexpected; but since a battle had become unavoidable, the auspices too no longer prevented

vocacy of the science of the Aruspices I have no wish to undertake. —I may observe by the way, that the modern Romans remark it as a well-known fact, that the lightning now never strikes the Capitol, while in every thunderstorm it dances upon the roof of St. Peter's and there also splits walls: as if Jupiter was still hurling it.

[920] Consequently he certainly had not eighty thousand foot and six thousand horse, as is stated by Orosius IV. 2, or he was three times stronger than the Roman army: Dionysius, Exc. Peir. p. 545.

[21] It was at least late in the autumn: Curius triumpht in February.

it. Curius marcht to meet them; fatigue and disorder, such as are the consequences of a night-march, paralysed the assailants, and they fled after a slight contest [922] with great loss. This success gave the consul confidence to accept the battle in the open plain against the main force of the king[23]: one wing of the Romans conquered, the other was driven back by the phalanx and the elephants as far as the fortifications of the Roman camp. But they were defended, and a shower of burning arrows with flax, tar and barbed hooks fell upon the elephants, which turning back, shy and furious, drove into complete flight the troops which accompanied them. It was a complete defeat[24], the king's camp was taken, two elephants slain, and four of the eight which were taken alive, were the proudest ornament of the triumph[25]. The defeated were so completely scattered, that Pyrrhus himself came to Tarentum with only a few horsemen.

In Lucania fortune had been just as unfavorable to the allies[26], and all hopes of regaining it had now been tried

[922] On this point Plutarch, whose narrative has the stamp of perfect authenticity, agrees with Orosius.

[23] Here too I take upon myself to develop the narrative, convinced that every one acquainted with such subjects will find it necessary. The plain is the Arusinian field of Frontinus, Florus and Orosius.

[24] Whether Livy stated the number of the dead at 23,000 (Eutropius) or at 33,000 (Orosius), can never be ascertained by the manuscripts of the two epitomisers: the number of 1300 prisoners in Orosius is at least credible.

[25] The absurdity of the statement in Frontinus, that the Romans here became acquainted with the art of forming a camp, has already been shewn by Lipsius: there is a further and decisive reason besides the one which he states, namely, that the disposition of the Roman camp rests upon the fundamental principles of the augural science, and therefore belongs unquestionably to very early times. Some old remembered saying, which referred to the eye and talent of Pyrrhus for choosing a camp, must have given rise to that misunderstanding.

[26] For Lentulus triumpht.

and lost. They had to expect the Romans under the walls of Tarentum, and if a Punic fleet appeared in these seas, it would be dangerous, perhaps even for the king himself, to return to Epirus. Nevertheless he tried to induce the kings of Macedonia and Syria to send him succours in men, ships and money against an enemy, who would soon cease to confine himself within the surrounding sea: but no one listened to him. He was obliged to abandon Italy, and his leaving Milo behind at Tarentum with a garrison, was a considerable sacrifice at least for the time, although perhaps he could just as little make up his mind to give up a hope entirely, as to follow it up with perseverance. A report which was spread intentionally, that the succours which had been demanded, were coming, afforded him a pretext for keeping the ships ready for sailing, that were to convey the troops back to the Ceraunian mountains, as if they were to take in Macedonians there; and it might induce the Romans to renounce as hopeless an undertaking against Tarentum, and to allow the victorious armies to return to their triumph[927].

Pyrrhus led back to Epirus only eight thousand foot and five hundred horse; and the difficulty of raising pay for this small number, drove him in the first instance to new wars; afterwards it was the passion of a gambler who has fallen into misfortune. These were times exactly like those of the thirty years' war, when it was impossible to support a small army, and easy for a general of great

[927]. If we understand it in this manner and remove the absurd circumstance, that it was necessary to gain a single night for embarking, the narrative of Pausanias (Attic. c. 1. 31) has all the appearance of being well-founded. A considerable time elapst; before the answer of Antiochus could arrive, certainly not from Antiochia and still less from the upper satrapies, but from those on this side of Mount Taurus, where he kept his court on account of the war against Ptolemy, Ceraunus and Antigonus, and now on account of the Gallic invasion. Justin, whose account of this war is one of the worst parts of his unequal work, undoubtedly places these same demands before the king's passage to Italy.

name to assemble and maintain a large one. A new star seemed to have risen for him, until after throwing himself from one giddy enterprise into another, he perisht at Argos[928]: these events are forein to our history.

[928] Pyrrhus, according to Orosius also, had fallen, when Tarentum was still holding out: it was surrendered however in 474 (480). The death of the king may have occurred in the same year,—Ol. 126. 4,—by no means in Ol. 127. 1 or 475 (481); to this year also in Orosius the year 475 answers in this period, in which the Carthaginians according to him appeared before Tarentum.

ENTIRE SUBJUGATION OF ITALY, AND THE POLITICAL RIGHTS OF THE ITALIAN ALLIES.

The three campaigns which still followed, before the war in southern Italy was brought to a close, seem, with the exception of the fate of Tarentum, to have past away without such occurrences as stand forth in a manner to attract the attention of hasty and unlearned epitomisers, amid the repetition of monotonous narratives of the ravages of war and the taking of unimportant places. This however is evident, that Rome availed herself of the entire removal of all danger, in order to recover breath after the continued exertions of the last nine years, which had been increast since the landing of Pyrrhus beyond all previous example: otherwise the first two years would have been adorned not merely by a single triumph over the Tarentines[929] and Samnites. In order to have rest themselves, they allowed the Lucanians and Bruttians to rest.

Tarentum meantime was already doing penance for the outrage she had committed. A phrurarchus regarded himself as tyrant of the city entrusted to his power, and it was only in consequence of a mild disposition, which but few among those usurpers possest and Milo not at all,

[929] The supplement cannot be doubted. In these Fasti the Tarentines are mentioned before, but the Lucanians after the Samnites.

that this power was not exercised in the most revolting manner. Many citizens conspired against him; as their undertaking failed, those who succeeded in making their escape, took possession of a castle where they obtained peace from the Romans. It is probable that the Sallentines also concluded peace at this time [930].

But when the people had rested for two years, the impatience revived of putting an end to a war, which, if Pyrrhus, who was in the full vigour of life [31], returned as master of Macedonia and Greece, might after all become ruinous in the end, and L. Papirius Cursor and Sp. Carvilius were elected in 474 (480), with the confidence that they would subdue the Samnites: the former was a son of the general who had avenged Caudium; both in their first consulship, which they had held together, had thrown into the shade all the triumphs that had hitherto been gained over Samnium. It was only sixty-eight years since the first hostilities.

The consuls fulfilled the commission of the nation: in their presence the Samnites, Lucanians and Bruttians did homage to the majesty of Rome, probably because the death of Pyrrhus had destroyed every hope; but still we

[930] Because in Livy xxiv. 9 only the three nations together with the Tarentines are mentioned as those which Papirius and Carvilius were commissioned to subdue; and because six years afterwards the Sallentines became involved in a war against Rome, while the others were quiet who had formerly been the allies of Pyrrhus. The question would be solved by a happy discovery, which might complete the broken off lines respecting this year, and which is very possible, if excavations are ever made by the side of the Curia Julia for the purpose of completing the Fasti; and I mention this, in order by means of an example, to direct the attention of every one who can work towards this object under fortunate circumstances, to the importance of searching after these buried treasures, of which it is quite certain that much at any rate is still to be found. The real consular Fasti too, which are still wanting here for forty years, would be an exceedingly important discovery.

[31] He was forty-two years old.

may suppose not without memorable struggles, of which not even the slightest mention is preserved. It is no loss to us, that we do not see the victory of an overwhelming power, to which the freedom of a noble people submitted: but it would be important to know the laws of that state of subjection, to which the Samnites were obliged to yield. Even after the third war an alliance had been concluded with them, and hereby consequently their rank as a state was recognised; now it was not so [932]: and the freedom which remained to them, was a gift of the Roman people. That hostages from them remained at Rome [33], is a further proof of their dedition, since it is not probable that tribute was imposed upon them to be paid by instalments. When peace had become a habit, no further hostages can have been demanded.—Of the Bruttians it is stated, that they gave up half of the Sila forest, so valuable by its timber and tar [34].

There is no doubt that, if Livy's second decad were preserved, the formula *allies and Latin nation* would occur from this time forward just as frequently as we now find it from the time of the Hannibalian war. Previous to the dissolution of the ancient Latin league the relations did not exist, and it was not till towards the end of the next forty years which are still contained in the first decad, that they began to acquire some permanency. According to

[932] The Epitome XI. has not neglected to mention the former, just as little as the IX. at the peace after the second war: consequently the silence of Epitome XIV. is a full authority. The author of these Epitomes was nearly contemporary with Livy, and well acquainted with the ancient relations.

[33] Lollius was one of them: Zonaras, VIII. 7.

[34] This statement we owe to Mai's Excerpta from Dionysius, XX. 5. They are on the whole of little value and must have been altered throughout by the person who put them together: such rhetorical artifices are not in the style of Dionysius. But their publication is nevertheless a gain: thus we have here a hint confirmatory of the explanation, of what is to be understood when a people is obliged to give up half of its ager to Rome.

the peculiarity of the old Latin language, which omits the connecting particle[935], it properly ran thus, *Socii, nomen Latinum*; whence has come the expression, *allies of the Latin nation*, through the same misunderstanding as the *Roman people of the Quirites*[36]. *The Latin nation* was entirely different from *the allies*, even in consequence of its having originated, with the exception of a very few ancient towns, in the will and law of Rome, and consequently this whole part of it at least could have no alliance with the Roman people. But no passage with which I am acquainted, affords any ground for deciding the question, as to whether the denomination, properly understood, was applied to all the nations from the Macra to the Straits, or only to the Sabellians and the people of southern Italy, while the Etruscans and Umbrians on the other hand were lookt upon as nationally forein and had such different rights, that it was only by an improper extension of the name that they could be included in it. I conjecture that the latter possibility expresses the true relation; and for this reason, that the Etruscans and Umbrians regarded the cause of the Italicans as forein to themselves.

But in whatever extent the name *allies* is to be understood, it is clear that among them, just as in the provinces[37], the difference must have existed between those who were federate (*foederati*) and those who were free (*liberi*). The Marsians and Pelignians were federate, and their rights were secured by mutual oaths: the Hernican towns were free, and to them their autonomy was restored[38] after the conquest, when the senate decided upon the fate of the nation; here no treaty existed, but only a right granted by

[935] Vol. I. p. 450.

[36] One sees that the mistake arose from the genitive, when it was written, e. g. *decem millia sociorum nominis Latini*. The commentators of Livy have not perceived this connexion.

[37] Cicero, 2 Verr. III. 6 (13).

[38] Livy, IX. 43.

one party. This second class belonged to the *socii* no less than the former.

The former class, which according to Cicero was very small in Sicily, and existed in those places whose territories were added to the Roman domain, because taken by the sword, was very numerous in Italy especially in Samnium. It was from this class that those places were selected, which were fit for colonies; but a far greater number must like Capua have remained, and probably have fallen into decay for the most part, without receiving a colony. One of the principal reasons of our scanty knowledge of the peculiarities of antiquity is owing to the circumstance, that what is related of one particular case, seems as if it had occurred only that one time. The inhabitants of such places however did not form a state, had no freedom; they no longer belonged to the people, from whom they had been conquered, and in no case to the allies[939]. The existence of territories of considerable extent subject to tithes does not therefore contradict in the least the axiom of the old agrarian law, that Italian ground was free from taxes; which, as is well known, was extended so far, that the towns which obtained exemption from the land tax, were said to be endowed with the Italian right. No piece of land of an Italian community was liable to pay taxes with ownership, as was generally the case with lands in the provinces: they were bound to send their contingents, and in order to pay them were compelled to impose a tax; consequently if they had been taxt for Rome, a double tax would have arisen, which according to Roman

[939] The descendants of these *dediti* were *deditícii*: it would be interesting to develop the legal consequences of this condition, since the *liberti deditícii* stand in the same relation to these people as the *Latini Juniani* to the citizens of colonies: but it would lead too far. But it is of historical importance to know, that the taxt peasants of the Roman people, when they had lost their own landed property, could not acquire any other either in their own district or in any Roman one, because they had no commercium. They therefore necessarily crumbled away.

notions was quite inadmissible[940]. But it was only the Italicans and Latins who were allowed to serve in the line; foreiners were essentially excluded from it[41]: Greeks, who were so forein to the Romans that they were sacrificed together with the Gauls as hereditary enemies, were not the less excluded because they inhabited towns on the south of Italy. Hence it is no contradiction that freedom was given to Tarentum, and yet that a tribute was imposed upon it[42]. The Neapolitans, although allied[43] and of proved fidelity, knew that their services would not be used against the enemy, when they offered the treasures of their temples in the Hannibalian war[44]. But in the same way as the triremes of the Greek maritime towns, of course manned by them, were used before Rome had a fleet, so the marines for the Roman ships were probably raised for the most part among them.

The condition of those who were allied by treaty, must have shewn manifold differences according to the circumstances under which it arose: and this we know of more.

[940] Cicero, pro Flacco, 32(80). The obligation might be remitted by privilegium (*vacatio*): but it existed originally.

[41] *Milite atque equite scire se nisi Romano Latinique nominis non uti populum Romanum,* writes Hiero, Livy, XXII. 37. The Roman writer, whose ear was accustomed to *socii Latini nominis,* and who remembered from his earliest youth and his Transpadane home the Latin right which had been introduced there, and who was born almost thirty years after the most ancient right of the allies had become extinct, makes a mistake only in the expression, where he probably translates σύμμαχοι from Polybius.

[42] The former is said in the Epitome, XV: the latter by Zonaras.

[43] Livy, VIII. 26.

[44] *Si quam opem in se crederent, eodem studio fuisse oblaturos.*— It may be that the *Bruttiani* were levied among them as a disgrace to the Bruttians; although according to the etymology which Diodorus and Strabo gave of the name *Bruttius,* the beadles may have borne it long before;—I doubt whether the Bruttians, since they were half-Greeks, ever served in the Roman camps.

than one treaty respecting places in Italy[945]: the principal division however is, that the alliance was either equal, or contained the clause, that the lesser people should gladly and willingly honour the supremacy of the Roman people[46]. It is conceivable that Rome at that time still maintained an equal alliance with some places, which in this case, it is true, could not be regarded as dependent, but they gradually disappeared, and we need not allow ourselves to be perplext by their anomaly[47].

The permanent conquests, as the example of Beneventum shews, were so scattered, that the Samnites, especially after the final peace, had any thing but a compact territory. Whether the remaining parts continued to be united into one whole by certain arrangements, may appear doubtful, since Rome abolisht the diets of the Latins, and according to the same principle dissolved and forbade them in Greece: but there is a preponderating probability in favour of their having continued among the Italicans, however much they may have been changed. Representations from the whole body of the Pelignians, nay from the Samnites even after the Hannibalian war[48], seem to presuppose such a bond. The manner in which the Marsians and Italicans in general make preparations for and begin the social war, shews that they were not unaccustomed to act as nations, and this is also supported by the unanimity of their resolutions in the Hannibalian war, whereas the division which kept the Pen-

[945] That of the Camertians and that of Heraclea from Cicero, pro Balbo 20 (46). 22 (50).

[46] *Majestatem pop. R. comiter colunto:* Cicero pro Balbo 16 (35), and Proculus, l. 7. D. *de captivis et postlim.* (Dig. 49. tit. 15. l. 7.)

[47] The relations of the public law between the republic and the communities dependent upon it, clearly correspond to those of the private personal law: municipia without the suffragium to arrogated sons: allies who do homage to the supremacy of the republic, to persons *in manu:* the *dediti* to those who are *in mancipio:* those to whom freedom has been restored, to the libertini.

[48] Livy, XLI. 8.

trians faithful to the Romans, while the Hirpinians and Caudinians joined them, suggests that it was only each single Samnite people that remained as such, and every thing was abolisht, which had united them into a collective nation. And it is almost selfevident that this was done in the case of the chiefs of the districts, who had formerly been elected among each single people.

That in many cases at least the same course was pursued in Italy, as was common in the arrangement of a province, namely, to establish a uniform constitution for the towns and approximate it to an oligarchy, may be inferred from the senates being generally attacht to the Roman party and the commonalties to the Punic in the Hannibalian war[949].

The Latins alone had the right to vote in a tribe assigned to them by lot[50]: an honorary right without any reality. But the latter, as well as the former, were entitled to remove to Rome, and have their names registered in the book of citizens, if they left a son behind them in their houses, in order that their house might not become extinct and the burthens of their fellow-citizens increast[51]. This was a great thing; for though this registration did not yet confer the nobler rights of a citizen, still it might now be done by any future censor; and it was only by such a registration that M. Perperna could obtain even the curule dignities, while it was overlookt that the full franchise had never been given him.

But of incomparably more importance were the rights of all the dependent people and the Latins to share in the use of the domain lands of the Roman state, which though secured in general by a legal act, must always have been liable in the case of each single district to the interference of the ruling people, who might withdraw from use every part of the domain and distribute it as private property. That

[949] Here there is a N. B. in the margin of the manuscript.

[50] Livy, XXV. 3. Appian, bell. civ. I. 23. [51] Livy, XLI. 8.

the Italicans who might remove into Latin colonies, unless they transgrest the limits of the law, settled down by thousands at Fregellæ, as the Samnites and Pelignians did[952], affords distinct evidence, if such could appear necessary, that at the founding of such a colony they were allowed to give in their names together with the Quirites and the Latins. That they also obtained their shares in assignments, as we have shewn of the municipia, is stated in expressions which seem to have been taken from an author who carefully weighed his words[53]. Now on account of this right the allies and the Latins had an equal interest with the Roman possessors of estates against the agrarian law of Tiberius Gracchus, which was unfair only to them, not to the latter[54]; its being carried into effect deprived the republic of the voluntary obedience of its subjects, and C. Gracchus should therefore have granted them the franchise, even if it had not been otherwise wise and necessary to give it. Thus the aristocracy had support among the subjects against the claims of the commonalty: an interest in the preservation of the existing order of things became extended to many, when Lucanians possest estates in Samnium and Samnites in Apulia, whose titles originated in the Roman conquest: and even the people from whom extensive tracts of land had been taken, might in some

[952] Livy, XLI. 8.

[53] From Posidonius: Appian, bell. civ. I. 18. ὅση γῆ—ἐπέπρατο, ἢ τοῖς συμμάχοις ἐπιδιήρητο: οὔτε τὰ συμβόλαια, οὔτε τὰς κληρουχίας ἔτι ἐχόντων ἁπάντων.

[54] Cicero, de re p. III. 29 admits, that Tiberius, who began in his measure concerning Asia with the greatest justice (this is to be supplied at the beginning), remained just towards his fellow-citizens; but he adds, that he injured the rights of the allies and Latins. Compare I. 19. Somn. Sc. 2. de Amic. 3. Appian, bell. civ. I. 18. 19.—I will not suppress the conjecture, though it may be said to be over-refining, that the desolation in Etruria, the sight of which struck Tiberius Gracchus so forcibly, may have arisen from the Etruscans not possessing the right of using the domain land, which is extensive in the Maremma.

measure recover from their loss, if they could cultivate a part of them for a tax paid to the republic[955], in return for which they themselves had the advantage of their contingents being provided for, and roads made for them. For it was the object of the Roman laws, to keep slaves away from the domain land, and to preserve on it a sturdy race of free Italicans as labourers and cottagers. Again, nothing is more astonishing than that the Samnites in fifty years again counted 70,000 citizens and 7000 knights. For the infantry of the Italian allies received at the expense of the republic the same provisions as that of the Romans, and their cavalry two thirds as much as that of the Romans[56]: their towns were only bound to provide arms and pay, and, if necessary, an addition to the provisions of the cavalry. The contingent of each town or district was fixt: they were not all required every year to send the whole or a part of it, but the consuls determined whose turn it was[57]: each place appointed the superiour as well as inferiour commander for its troop: that the prefects of the allies who were appointed by the consuls, in number half as many as the tribunes[58], were chosen from among them and not from the Romans, is incomparably more probable than the contrary supposition. In the Hannibalian war a Pentrian Samnite, Num. Decimius, commanded several thousands[59], and whenever the allies distinguish themselves, Italicans are always mentioned as their leaders; and not Romans, and T. Turpilius, a Latin, under whom even

[955] As Ofellus cultivated his farm for a rent paid to the owner who had forced himself into it.

[56] Polybius, VI. 39.

[57] Polybius, VI. 21. *οἱ ὕπατοι παραγγέλλουσι τοῖς ἄρχουσι τοῖς ἀπὸ τῶν συμμαχίδων πόλεων τῶν ἐκ τῆς Ἰταλίας, ἐξ ὧν ἂν βούλωνται συστρατεύειν τοὺς συμμάχους, διασαφοῦντες τὸ πλῆθος κ. τ. λ.* Livy, XXXIV. 56. From both passages it is clear that the chiefs of these places had to appear at Rome at the beginning of the consular year.

[58] Polybius, VI. 26.

[59] Livy, XXII. 24.

tribunes were placed[960], must have been a prefect of this kind.

The dependents of Rome could neither conclude a treaty with a forein country nor carry on war, nor defend themselves with their own forces and under a commander of their own without the sanction of the senate[61].

Within their own states the allies were perfectly at liberty to confer the franchise[62] and legislate for themselves: the table of Bantia, in which prices are recorded by sesterces, affords an example of the legislation from this time of the connexion with Rome. On the other hand the rights common to the Latin towns[63], in the same way as they prove that a uniform civil right was given to these colonies at their foundation, seem also to warrant the conclusion, that this right which had been granted, could not be altered, a fact, which is expressly asserted respecting the colonies with the Roman right. The use of their native language remained. Consequently their magistrates too retained their penal jurisdiction, and the civil one in mixt cases, which was exercised by the Roman proconsul in the provinces.

In disputes among themselves, in complaints of an individual citizen against his own state, and in accusations of crimes against Rome, the senate judged[64]; it also decided in or made up internal feuds; but more commonly entrusted this to the patrons[65]. For each free Italican people moreover had a patron at Rome, who watcht over its interests as proxenus and representative; whose relation was sacred in the good moral times, and like that of a

[960] Sallust, *Jug.* 67. 69.

[61] What Livy, II. 22, says about the Latins after the battle of Regillus, is for that time a palpable fable, but is transferred from a later time.

[62] This the towns in Greece could do. Cicero, pro Arch. 3. (5.)

[63] Gellius, IV. 4. XVI. 13.

[64] Polybius, VI. 13.

[65] Dionysius, II. 11. in.

father brought with it severe and unpaid for exertions; in degenerate times it enricht.

A Roman consul or pretor appeared among them with the full power of the imperium, and had his sentences executed without delay[966]. There never was such a golden age, that pride and passion would not have led to outrages, even if avarice and lust with such unlimited power had not produced any,—and because there were no tribunes of the people, even the decemvirs sinned—: the only protection against the abuse of a power, to which no limits could be set without destroying it, was in the patrons, who had to take the part of the oppresst even against their own relatives[67], and in rank and influence were equal to those who might have sinned, so that the latter could not easily escape punishment. In the Latin towns the magistrates were protected against tyrannical and cruel acts on the part of the Roman authorities, by their obtaining the Roman franchise together with their dignities[68]: and this was without doubt the object of such a distinction. What other nation's allies were in the enjoyment of such rights? What greater ones could they demand than these? It is true much was wanting to their aspiring minds, because the higher franchise was denied them: but it was impossible to grant this, until the allies had become Romans in their minds and ways of living and acting together for a long while; and the period, when it should become practicable to do this, lay in the future as one of regeneration, by combining the rich elements which had become homogeneous: in this lay the secret of the growth of the Roman state, and it explains the decay of the Greek. The advantages, which had been gained in the state when

[966] C. Gracchus in Gellius, x. 3.

[67] Gellius, v. 13. xx. 1. And since the *hospes* was most in want of assistance, being absent and a stranger, it was commanded that his part should be taken even against the (native) client.

[68] Appian, bell. civ. II. 26.

small by admitting the lesser tribes, and when more extended by granting equal rights to the plebeians, were now also prepared, if the insight of a deeper wisdom could conquer prejudices, narrowmindedness and littleness. This natural development was checkt. When Italy came under the supremacy of Rome, new tribes were still formed, and the general expectation must have been, that this would be continued: and if with this system there appeared a danger in two directions, either of giving to the new citizens such a preponderance over the existing ones as the plebeians had obtained over the most ancient, or of throwing the burthen of the military service disproportionately upon the old Quirites and of thus destroying them, yet such a contrivance as had once guided Servius Tullius, afforded the means of remedying these defects by new forms. But what a king could do, was impossible in a free state. Two things were needed: to breathe new life and strength into the higher orders: the only proposal we know of, which was directed to this point, that of Sp. Carvilius after the battle of Cannæ, was received as high treason, and aimed only at a transitory measure: the rubbish of the decayed curies however ought to have been swept away, and new houses formed of patricians, plebeians, Latins and Italicans. The second want was not overlookt; namely, to remove freedmen from the government; but this could only have succeeded by colonisation beyond Italy.

The freedom of a constitution becomes torpid, when it wants to uphold a particular state of affairs, and not the causes out of which it arises: when it chokes the new things, which are germinating by the side of the existing ones and striving to develop themselves. If life actually turns to them, and retires from what capriciousness alone is bent upon preserving, the latter remains as a hollow and dead form: such efforts to uphold it deceive perhaps, because a living evil does not find the place vacant to occupy: but the living beauty, which is also excluded

from it, does not appear with its claims: for it cannot come to light. There is also heavy responsibility brought and preparation made for bitter days for future generations, if, though regeneration and development may not be prevented, that which springs up is not so regulated, that it may become amalgamated and combined with that which exists,—if the rights of that which comes into existence and that which exists are not balanced, if classes have outgrown their minority, but no place is prepared for them to occupy without pressing upon others. If this carelessness exists, of several possible evils one happens unavoidably: either the old power awakes, which feels itself endangered, and overpowers and chokes the new life: or the latter overwhelms and suppresses that which is growing old; or all grows up in a luxurious and chaotic mass, the spirit of freedom is gone, and the whole nation has become impotent.

The selfish rejection of just demands seldom assists him who is hostile to them: but they change their nature, just as healthy juices become poisonous by being represt.

Every free constitution goes, like ourselves, through life towards death: whatever moderates its consuming rapidity, whatever produces obstacles which require time to overcome, prolongs its existence. The firebrand of the Parcæ, on which the life of Meleager depended, might be withdrawn from the flames: but if the child had sunk into a dead sleep, a sad service would have been done it, so long as the fire did not touch its talisman. But a state has this advantage over an individual, that by constantly raising in an ever-increasing circle more persons to its highest freedom, it can carry back its life, and more than once to youth, and live through it again with fresh energy. To prepare this, to watch that sleep may not befall it, and to take care that whatsoever was gloriously peculiar to it, may be preserved

or revived, however much outward forms may change, this is the task of the founders and rulers of free states, and where they are without power to effect this, there ruin is unavoidable.

No state had the perfection of Rome in this respect, and here is the explanation of its greatness and decay. Great Britain too has thus developt freedom within herself out of the power of the barons and the liberties of a few communities, has placed the vassals on an equality with the freemen, has emancipated the serfs, and put every honour within the reach of all: then she has extended her own free laws over her separate provinces; next to Scotland, and has raised that country from a poor freedom to her own; and at last has prepared for Ireland the possibility of better days by the union. But North America was lost, because what should have been offered there, was neither really wisht nor wisely granted, when the proper time was lost. In Ireland an oligarchical minority had endeavoured for a century to extirpate the natives or reduce them by fear to timid animals, in order to maintain its injustice firmly. When the power of nature was stronger than a tyranny, which wanted the resolution to strangle them or sell them as slaves, and when those whom they had wisht to destroy, had increast to millions; then instead of at length, though late, preparing their elevation to equal rights gradually, concessions were unwisely made to the multitude, and the demands of the optimates enviously and insultingly refused. And will indeed the majority of those who have to decide, ever perceive, that, however much evil there may be in the Irish Catholics, a better state of things can never arise until the full franchise shall be given them? Will they ever consider, that, if Rome had only prevented the Marsian war by complying with just demands, although it might have been too late for joyful consequences, she still would not have suffered the civil war, instead of being obliged, when she herself was ex-

hausted, to grant to the exhausted what could benefit now neither her nor them [969]?

Venice was already decaying, when she filled up the places of her extinct houses, not by such as were equal to those that had perisht, as was done in former times, but by those which purchast their elevation: the proposal of the Marchese Maffei would at least have been a palliative for the evil that was already too visible. But never was an opportunity of preparing elasticity and life for the state for centuries to come, neglected more thoughtlessly. Nothing would have appeared more senseless to a Roman than when the different races were placed on an equality in Mexico, instead of waiting and preparing, till the natives became Spaniards in language and habits, till they had acquired the desire of becoming their fellow-citizens, and gradually attained their object.

After Pyrrhus had fallen at Argos, the Tarentines secretly applied for assistance to the Carthaginian commanders in Sicily [70]. The latter sent a fleet which cast anchor in front of the harbour, while Papirius was encampt before the town. It is easily conceivable, that, if the admiral had without the order of his government gone upon an enterprise, which would have involved the republic in a war with Rome, if it succeeded, he should have hesitated and undertaken nothing, until external events, which however did not happen, should justify him; although they had not after all been able to come to the resolution of renouncing such an enormous advantage. As to Milo both nations were equally hostile, and how high the exasperation had risen between him and the town, may perhaps be seen from his proceedings: for the rest, the Pœnians must have been niggardly at the improper time, as they often were, and Papirius generous, as he might

[969] (Written in the year 1824.)

[70] Not to the senate, otherwise the oath could not have been taken, that the fleet had come without their knowledge. Orosius, IV. 5.

have been, it is true more easily, with the booty of Tarentum before his eyes, than those who were to protect it. Milo persuaded the Tarentines that Papirius was inclined to grant a tolerable peace to prevent the town from falling into the hands of the Pœnians. This was so credible, and a peace not absolutely injurious so much preferable to receiving a garrison of Libyans or other barbarians in the Punic pay, that Milo was empowered to negociate on behalf of the town; he had openly conversations with the consul, and could deceive the Tarentines by constant fictitious reports respecting the pretended negociations, until all the stipulations for him and his men were completed, and the citizens learnt with deadly horrour, that the Romans were in the citadel[971]. Milo departed for Epirus unmolested with all his treasures. It is scarcely conceivable that the Tarentines taken by surprise could still protect themselves against a hostile attack from the acropolis, or that the Romans denied themselves the gratification of washing in blood the garment of the fetiales: all we know however is, that liberty indeed was granted to the town; but its walls were broken down, and its ships and arms taken away[72]. If there is any foundation for the statement, that the triumphs of this war brought luxuries of all kinds, paintings and statues to Rome[73], they must have been acquired at Tarentum. Ten years may have laid the most guilty in their graves; the punishment of the enemies of Rome is always a matter of course, but is nevertheless disguised. An Italian fugitive, Lycinus, was not long after these events in the service of king Antigonus, and was his commander at Athens[74]: this man had evidently fled to escape from the Romans. Somewhat more than forty years afterwards a legion was

[971] Frontinus, Strateg. III. 3. 1. Zonaras, VIII. 6.

[72] Zonaras, VIII. 6. Yet Polybius, I. 20, mentions at the beginning of the Punic war Tarentine triremes.

[73] Florus, I. 18.

[74] Teles in Stobæus, Serm. XL. 8.

regularly stationed in the unfortunate town[975]: it is more probable that this began immediately after the conquest, in order to keep the surrounding nations in obedience, and to prevent undertakings by the ambitious Alexander the son of Pyrrhus, and that it thus remained, than that it should have commenced after the Punic war, when Epirus had become quite powerless, and Macedonia was far from even dreaming of expeditions beyond the sea.

Polybius from the original documents has refuted Philinus, who accused the Romans of a breach of faith, since they were forbidden, he said, by the treaties to interfere in the affairs of Sicily and the Carthaginians in those of Italy[76]. The errour must have been widely spread among both nations, since Livy said, that Carthage violated the treaty by the arrival of the fleet[77]; in which statement he followed the annalists, who did not perceive that they thereby confirmed the charge, which had been brought against their forefathers by the most popular historian among the Greeks. Diplomatically, Polybius is certainly right, but just as correct was the public opinion in both capitals, which supposed that a territory was assigned to each nation by circumstances, in which the other was not allowed to interfere without breaking the peace. Hence Rome made violent complaints at Carthage respecting that usurpt interference, and the Punic senate excused itself by an assurance upon oath that it was innocent of it[78]. That it came to open hostilities near Tarentum between the forces of the two nations, as is stated by Orosius alone, must either be altogether fictitious or an exaggeration of insignificant affrays.

The deserters at Rhegium, who could not hope for any pardon and who saw their punishment approaching, when the war had become extinct far and wide, exercised hostilities themselves, surprised the garrison at Croton, cut them

[975] Polybius, II. 24.
[76] Polybius, III. 26.
[77] Epitome, XIV.
[78] Orosius, IV. 5.

to pieces, and laid waste the remains of the town. The consul C. Genucius[979] blockaded Rhegium in 476 (482), and separated the Mamertines by a treaty from the rebels[80]. After a long siege, during which the Romans suffered from a scarcity of provisions, which was remedied by Hiero who also sent troops[81], the town was taken by storm: by far the greater number of the Campanians fell; the prisoners were sorted by the consul: all the loose vagabonds that were found among them, were immediately executed: those of the legion who still survived, a few above three hundred, were sent to Rome in chains. According to one account they were unanimously condemned to death by the tribes; according to another the senate decreed and executed the punishment in spite of the opposition of the tribune M. Flaccus[82]. All were scourged and beheaded,

[979] Dionysius, Exc. xx. 7. Orosius gives only the gentile name: but a Genucius was consul in 475 (481) also; and to this year did his chronology lead, which has been followed: but the author of that excerpt was so ignorant, that, as he gives a prænomen, this is certainly copied without alteration. The expression, *per decem annos* (Livy, xxviii. 28) also agrees better with this year. Besides these two writers the consul is not mentioned by any one.

[80] The words, *τοὺς μὲν οὖν Μαμερτίνους—οὓς συμμάχους οἱ ἐν τῷ Ῥηγίῳ προσεδέχοντο, ὁμολογίᾳ προσεδήσαντο*, Zonaras, viii. 6. which may have been misunderstood and somewhat miswritten besides by Byzantine writers, cannot, I think, conceal a different meaning.

[81] So says Zonaras. Polybius probably did not know this, otherwise he would scarcely have past it over in silence, where he blames the conduct of the Roman government in regard to the Mamertines as it deserved,—it thus becomes still more culpable,—but his not knowing a circumstance which happened a hundred and fifty years before his time, proves nothing. Hiero had all possible reasons for supporting the Romans, that the allies of the Mamertines might be rooted out of Rhegium, and that Rome, which was then at variance with the Carthaginians, might promote his interest by taking Messana. Whether he wore the diadem as early as that time, is uncertain: but he had at all events kingly power.

[82] The former is found in Mai's Excerpta from Dionysius, xx. 7,

fifty every day, until all had atoned for their crimes: it was forbidden to bury or mourn for those that had been executed[983]. The surviving Rheginians were invited to their desolate home, and whatever could be restored, was given back to them with the freedom of their city: the new community that now grew up, was one of the very few towns, which continued to exist as a Greek place even in the time of Strabo; nay it is probable, that it preserved this distinction till a few centuries ago.

In the year 478 (484) a Samnite war blazed forth from the ashes for the last time. Lollius who was kept at Rome as a hostage, escaped to the mountains of his native country and found followers among desperadoes and robbers. The senate sent both consular armies, in order to suppress the insurrection quickly: the greatest part of the rebels who had scarcely taken up arms renounced their senseless enterprise: still a mountain fortress of the Caricenians[84] persevered in the insurrection, until it was scaled by night under the guidance of traitors during a fall of snow[85]. The leaders were beheaded according to custom, the remaining prisoners sold[86]. Lollius had probably

and in substance in Orosius, IV. 3 (*populi jussu*): the latter in Valerius Maximus, II. 7. 15.

[983] The number of 300 odd exists only in Polybius, I. 7. Livy reckoned that 4000 were executed, as if the legion had been completely recruited and found complete: this is shewn by his own work, XXVIII. 28, and by those who copied from him, Valerius Maximus, II. 7. 15, and Frontinus, IV. 1. 38,—Orosius, IV. 3, is also of the same opinion. Mai's Excerpta from Dionysius, xx. 8, reckon 4500, which indeed make the legion still more complete, of which 300 were executed every day: the complete work perhaps admitted of a choice between this and another account, according to which Appian (Exc. Peir. p. 564) confines the execution to the ringleaders.—It is strange that it is generally overlookt, that the guilty legion consisted of Campanians; whose punishment could not be so grievous to the Romans.

[84] In the highest Abruzzi, above the Pentrians.

[85] Zonaras, VIII. 7. [86] Dionysius, in Mai's Excerpt. xx. 9.

counted upon the Picentians, who revolted against Rome in the same year[987], and whose conquest signalises the following one 479 (485), nay it is probable enough, that the Sallentines as early as this time, at least previous to other discontented nations, did not conceal the intentions which led to their defeat in the year 480 (486): the accounts of this period are so utterly meagre, that we cannot say at all, whether they had not taken up arms even in the year before. A calamity, which befalls their successful enemy indeed no less than themselves — but they believe that they cannot become more wretched, — may cause men in despair to think, that the moment has arrived for venturing upon something. Such a calamity was the unexampled winter of the consular year 477 (483), and the earth groaned at that time as if the end of the world were near. Both consuls triumpht over the Picentians: P. Sempronius only is mentioned as the commander in the single decisive battle[988]. When both armies faced each other drawn up in order of battle, the earth shook: equal consternation spread on both sides, but the consul revived the courage of his men by vows and addresses. When the Picentians submitted, their number was found to be 360,000[989]; here we evidently cannot think of a census and rolls, which gave about the number of men capable of bearing arms, but of an enumeration of the people comprising both sexes. That Picentian places were taken by force, and were kept ready to be disposed of, is clear even from the establishment at a later time of the colonies of Firmum and Castrum. But it must have been also after this war that a part of the conquered nation was transported to the Lower Sea, about the bay of Salerno, where a town Picentia was founded, from which the new people obtained the name Picentinians: for this settlement was made by the

[987] Eutropius, II. 9.

[988] By Orosius, IV. 4, and Frontinus, I. 12. 3.

[989] Pliny, H. N. III. 18.

Romans[990]; and there was then an urgent occasion for removing the old inhabitants from that coast which formerly belonged to the Samnites, unless it was laid waste by war, and for separating the Samnites entirely from the sea, since no one could conceal from himself, that, though the war against Carthage might be deferred, it was unavoidable: moreover the violent character of the measure is more in accordance with the decision respecting a subjugated people immediately after their conquest, than if some time had already elapst. This population was probably carried away from that district, which retained the name of ager Picenus and bordered upon the country formerly inhabited by the Senonians. There arose in each a very important Roman settlement; at a later time by assignments: at this time a considerable tract seems to have been sold[91]. The Campanian colonies of Salernum and Buxentum served to keep the Picentinians in obedience.

The same object of guarding the coast against the threatening maritime war, in which Rome had no fleet to keep the enemy away from Italy, had led to the occupation of Cossa and Pæstum by colonies as early as 473 (479). In the year 478 (484) the colony Beneventum was founded in the heart of the country of the Caudinian Samnites, which secured the direct road from Capua to Apulia; in 484 (490) Æsernia, which divided the Caudinians and Pentrians: in the same manner Ariminium in 478 (484) to control the nations beyond the Apennines, and to protect the lands of the Roman citizens who had settled there:

[990] Strabo, v. p. 251.

[91] Valerius Maximus, VI. 5. 1, compared with Mai's Exc. from Dionysius, XX. near the end. The Camarinians, however, who were sold into slavery, and to whom the senate gave back their liberty, cannot have been the Camertians: and I would not object to P. Claudius being taken for Appius the consul of this year, were it not for the mutilated and unintelligible passage of the Excerpta.

and in 483 (489) Firmum among the Picentians: perhaps [992] Castrum also on the same coast.

That Venafrum and Allifæ were separated from Samnium, is clear from the pretor sending every year prefects to these towns, as to Formiæ and Fundi [93]; they were consequently subjects with the Cærite right; and hereby the whole country on the right bank of the Vulturnus was separated from Samnium, and withdrawn from the influence of native magistracies. If this did not take place as early as after the third peace, it certainly did not happen later than this time.

Concerning the war by which the Sallentines were subdued, there is no account whatever; it is from the triumphal Fasti alone that it is clear, that both consuls conducted it in each of the years 479 (485) and 480 (486): in the autumn of the second year, four months before the last triumph, the consuls triumpht over the Sarsinatians; whose revolt, or a truce purchast by the Sallentines had consequently interrupted the undertakings against the latter. Brundisium was of the most extreme importance for the safety of Italy, and, if it did not become a colony till long afterwards, yet it probably belonged above all others to those points, which were occupied by a legion whose head quarters were at Tarentum.

By the conquest of the Sallentines the union of Italy was completed: to Volsinii the Romans went only as protectors of the aristocracy, which every republican government, unless it be democratical in the extreme, prefers above all others for the dependent townships. No free communities had arisen in Etruria, and the ruling nation was obliged to arm its vassals for the purpose of defend-

[992] For certainly the Epitome XI. places the foundation of a colony of this name twenty years earlier, and mentions it along with Sena and Hadria. But the only time when such an one is afterwards mentioned by Livy (XXXVI. 3), *Castrum Novum*, it is the port-town on the Lower Sea, between Ostia and Tarquinii.

[93] Festus, s. v. praefecturae.

ing itself. The serfs of the Volsinians[994] had thereby acquired great importance in the long Roman war: when the peace was concluded, the oligarchs still continued to raise their contingent from them; and as the arms remained in their hands, they acquired by force the franchise, the rights of marriage and inheritance, and seats in the senate. That many a[ſ] one repaid his former master for his ill treatment, we may easily believe, but even if things were not so bad as this, the humbled party might still have been tempted to seek assistance at Rome for the restoration of their former condition. This was promist, but the secret negociation was betrayed, and cruelly punisht by the party in power. It was Q. Fabius Gurges, who had long been worthy of his father, that the republic sent to chastise them in 481 (487): he conquered in the field, but lost his life in an unsuccessful storming of the town: this advantage however only prolonged the resistance of the inhabitants who were blockaded, and whom hunger alone could compel to surrender. The triumphal Fasti assign the triumph to M. Fulvius, the consul of the year 482 (488), and place it in November: another account attributes the conquest to P. Decius[95]: the latter was perhaps pretor when Fabius perisht, and undertook the command, and it was he who drove back again those who had sallied from the town; the rest would be exaggerated. The defenders of the town, who came into the hands of the victor alive, were executed as rebellious slaves, or surrendered to the surviving patricians: but among their mortal enemies and in the midst of famine the survivors of those who had been unable to make their escape, were

[994] For a justification for thus understanding the account in Zonaras, VIII. 7. and the Auctor de vir. ill. 36, I refer to vol. I. p. 124. foll.

[95] Auct. de vir. ill. 36. In c. 37. the surname *Caudex* of the younger App. Claudius is derived from this war: there must consequently have been a tradition, that he did injury to those who were blockaded by boats or rafts upon their lake.

probably not more numerous than those of the Swedish prisoners at Breysach. The extremely strong town was razed to the ground, and the remains of the Volsinians settled in an unfortified place, which is perhaps meant, when Volsinii is mentioned afterwards[996]: it disappeared from the number of the Etruscan towns[97].

It may be that a general decree determined the relations of the Italian nations, which were not fixt by treaties, as was the case after the conquest of the Latins: it may also be that they were developt less systematically. Now in whatever way it was done,—we may perceive how wisely and beneficially the fate of Italy was determined, from the fact that during the Punic war, which followed immediately after the union of the peninsula, there did not occur even a single movement against Rome, and that, before Hannibal carried the war thither, which destroyed the core of the nation, the country flourisht in population and prosperity to a degree which later generations thought scarcely credible. This constitution which united Italy for the first time into a single state, I shall now endeavour to describe[98]. * * * * *

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[996] Livy, xxvii. 23.

[97] It is not found in the list of those who supported the undertaking of Scipio. Livy, xxviii. 45.

[98] (This was unfortunately never executed. How far the short hints respecting the relations of Italy after the first Punic war, which are contained in the last chapter of this volume, are to be regarded as a supplement for this the most painful gap in the whole work, has been remarkt in the preface.)

INTERNAL HISTORY AND MISCELLANEOUS OCCURRENCES OF THE PERIOD FROM THE LUCANIAN DOWN TO THE FIRST PUNIC WAR.

Two years after Pyrrhus had been conquered, 473 (479), Ptolemy Philadelphus sought the friendship and alliance of the Romans by an embassy, which was received at Rome with great distinction. The senate accepted the proposal very readily, and in reply sent three embassadors with presents to Alexandria: it was the custom however to transmit to kings in friendship with the Romans a purple toga and tunic, and an ivory throne. In costliness the Romans could not pretend to vie with the treasures of Alexandria: but the chief of the embassy, Q. Fabius Gurges, was the chief of the senate; a distinction of which no second example occurs[999]. The embassadors were splendidly received: the king, according to the Greek custom, had golden crowns offered them: to preserve the omen and honour the king, they accepted the present, but placed them on the heads of his statues. Other marks

[999] Of his collegues Q. Ogulnius was certainly the same who had begged Æsculapius of Epidaurus, and was consequently acquainted with the Greek language; and the same thing is very probable of Numerius Fabius, as he was the son of the painter, who assuredly had intercourse with the Greeks, and who would not have been unacquainted with the Greek poets: his nephew would not have been sent to Delphi either, if the language had been unintelligible to him.

of honour which could not be refused thus, they gave up to the treasury, even before making their report upon the embassy: but the senate gave it all to them as their property[1000].

These transactions were not an empty display of vanity. The ruler of the first commercial state in the world at that time had not a few important relations with the rulers of Italy: but political ones, which can only be perceived by attentive reflection, in consequence of the isolation of the histories of states which are destroyed even down to almost unintelligible fragments, induced the Alexandrian king to seek something more than a connexion favorable to the commerce of his subjects. Carthage could not have rendered him uneasy, nor could he have thought of conquests in that quarter. But Alexandria was destined by nature, as had been clear to its founder, to be the capital of an empire, which should unite the islands and all the coasts of the eastern half of the Mediterranean: even the first Ptolemy had subdued Phœnicia and Cyprus, on which he founded his naval power; Philadelphus extended his dominion as far as Caria; and the hegemony of Greece was an object under the first three kings, from which they never turned their eyes. Wherever the course of the wars of that obscure period can be discovered in any degree, still all chronological dates have vanisht there, and it cannot be ascertained at what time the war began, which was so unfortunate for the second Seleucidian king, and the end of which he did not live to see. But even if the war, had not broken out yet, it was the consequence of the nature of circumstances, not of personal ones, and consequently was foreseen: and in like manner the same circumstances brought about the alliance between the Mace-

[1000] All the passages are given by Fabricius on Dion, p. 61. n. 218. That Lycophron does not allude to this alliance, I shall shew in another place. (This has been done in the treatise, *On the age of Lycophron the Obscure*. Rhein. Museum, 1. 2. p. 108. foll. Kleine Schriften, p. 442. foll.)

donian and Syrian kingdoms against the Alexandrian, until the latter was deprived of all the coasts it had gained. The relationship between the then reigning kings, since Antiochus was married to Stratonice, the sister of Antigonus, may have drawn it closer; but even if Pyrrhus had permanently and entirely gained the kingdom of the Antigonids, the dynasty of the Æacids would have entered into the same relation, notwithstanding the affinity of blood between the descendants of Berenice. The case of an actual communion in arms therefore existed easily, if the Romans consented to let legions cross the Ionian sea: and if, as is probable, Pyrrhus was then a second time in the possession of Macedonia, the senate had reason enough for gladly concluding an alliance, by which an allied fleet might render undertakings impossible, which he might have tried with far greater forces: Tarentum was still holding out for him, and the Italicans were not yet subdued.

As Rome was no longer unconnected with the politics of the Eastern world, the embassy of the Apolloniats from the Ionian Gulf, which was at Rome in 480 (486), may have been commissioned to seek assistance: and if so, probably against no one else but Alexander, the son of Pyrrhus, whose Illyrian wars[1001] about this time also endangered the Greek towns of that country. It is however not impossible that they may only have made complaints against Roman subjects of the other coast. This embassy continued to be remembered on account of the fact, that, as they had been grossly insulted by noble Romans[2], the senate commanded the latter to be delivered up to the injured party, although one of the guilty persons was invested with the edileship, and an escort to attend the Apolloniats as far as Brundisium to secure

[1001] Frontinus, Strat. II. 5. 10. Prol. Trog. XXV.

[2] In that year it was the turn of the plebeian ediles, consequently Q. Fabius could not hold this magistracy: Dion, fr. 43, also calls him a senator.

them against any violence on the part of the relatives. The Apolloniats did not deceive themselves as to their position, and dismist the offenders unpunisht: Rome on the other hand had acquired great glory, without there ever having been any danger of regretting its generosity.

In the year 479 (485) the number of the questors was increast to eight[1003]: the doubling of them had become necessary in consequence of the acquisition of various and rich revenues. If the questorship gave as early as this the right of admission into the senate, this alteration, otherwise apparently indifferent as to the constitution, was very important, inasmuch as it did away with the arbitrary admission by the censors, since those who had been questors were to be regarded as candidates nominated by the people for the places in the senate, which had become vacant by death or unworthiness; and to pass over such candidates in favour of others was a declaration of supposed unworthiness. But about forty places could scarcely be vacant after every lustrum: and the disgrace implied in an exclusion, may have been the occasion of not strictly observing the number of the senators; especially if the questors, when only half as numerous, had enjoyed the right of being assessors in the senate, and if this right could not be denied to the number when doubled.

Thus the senate, which was originally a representation of the houses, next selected from the curies by the elective

[1003] The year first became known through Johannes Lydus, de magg. 1. 27: and since he gives the names of the consuls (Ἰουνίου instead of Ἰουλίου is probably his own fault), the words καὶ τεσσαρακοστῷ, which have dropt out, should be restored in the date. Owing to an expression of Tacitus (who by the way shews in a remarkable manner how forein to him were all definite notions of the ancient relations of public rights), *jam stipendiaria Italia*, the opinion had become establisht, as if this increase had taken place two years later. How Lydus came to suppose that the number was increast to twelve, is clear without explanation: but the name *classici* is certainly correct.

magistrates of the country, and subsequently from the whole nation, in which popular election was mixt up, was at length changed into an assembly, the members of which were chosen by the people for life, the censors only having the right of rejection or exclusion.

It is in the latter half of the fifth century or the beginning of the following, that the institution of the magistracies must be placed, which Pomponius classes chronologically together with the second pretorship and the triumviri capitales[1004] however confusedly he may have represented the matter to himself: and as it is impossible to come to any certainty on the point, this place, at the close of the period when Rome's dominion was confined to Italy, seems to be the proper one to speak of them. And the more so, as the establishment of the mint under triumvirs seems certainly to belong to the time, when Rome abandoned the old national coinage and began to coin a silver currency, which took place in the year 477 (483). To treat minutely of this highly important innovation, must be reserved to numismatics, which is much in want of a thorough investigation for the times of the Roman republic. History confines itself to the remark, that here, as elsewhere, the Roman legislation only came in to develop that which had already begun to gain an existence; the denarii of Campanian and Neapolitan coinage, with the inscription *Romanom*, are evidently an expedient to assist commerce, which needed silver and did not yet receive it from the state. The most important question concerning the Roman silver money would be, whether the coining of it was a privilege of the government, or could be exercised by private persons, whether individuals or houses. To derive the types, which refer so entirely and peculiarly to families, and the names from the triumvirs,—where we do not read the names and titles of the members of the college,—seems perfectly opposed to all

[1004] De Origine Juris, Dig. 1. tit 2. § 29. 31.

the laws of interpretation: above all things however the confusion in the system of coining, which Marius Gratidianus abolisht[1005], after it had annoyed the people, like a system of money-clipping, is only conceivable on the supposition, that many persons coined money, each for his own base gain.

The quinqueviri were a local magistracy for the city, to protect it after sunset, at which hour the police-duties of the magistrates ceast[6].

About the same time the *decemviri litibus judicandis* are said to have been instituted. We may believe Pomponius, that they were originally destined to preside at the court of the centumvirs, and that consequently Augustus restored them to this vocation, and was not the first who gave it them. For *lis* may possibly be the peculiar name of the suits in the court of the *centumvirs*[7]: and though such a charge might have been given once in extraordinary times to the questors on the expiration of their office, and this may have continued long, yet certainly it was not so originally[8].

The new magistrates were appointed by the comitia of the tribes: the case was different with the centumvirs; for as there were three for each tribe, and they are to be regarded as representing a general plebeian court, they must have been directly deputed, every three being chosen by their tribe. The elections of the centumvirs were probably held under the presidency of the plebeian ediles,

[1005] Cicero, de off. III. 20. (80.) Jactabatur enim temporibus illis numus sic ut nemo posset scire, quid haberet. The system which was establisht, was probably no other than that which Pliny places in the tribunate of Drusus, respecting the proportion of the alloy.

[6] Solis occasus suprema tempestas.

[7] Wherever a case was tried *sacramento*, the pretor took sureties *litis et vindiciarum*.

[8] Respecting the confusion of these decemvirs with the consilium of the pretor and the like, it is now, I think, unnecessary to speak.

who were themselves judges [1009]. The extent of the rights of this court is indeed not recorded, but those which are mentioned among innumerable others, as it is said [10], shew, that the right of Quiritarian ownership and all that is connected with it, the right of inheritance without or by testament, as well as the *caput*, belonged to the court of the centumvirs [11]; but contracts did not any more than criminal cases: the immeasurable field of possession was entirely entrusted to the pretorship [12].

The relation of the decemvirs to the centumvirs can only be ascertained approximately from the nature of the case: an assembly of judges cannot exist without presi-

[1009] Dionysius VI. 90. οὓς ὑπηρέτας τῶν δημάρχων καὶ συνάρχοντας καὶ δικαστὰς ἐκάλουν. (Here followed in the manuscript those remarks respecting the time of the institution and the oldest character of the centumviral court, which have already found their more appropriate place in vol. I. pp. 427. 428.)

[10] Cicero, de Orat. I. 38, further 39. 56. (173. 176. 238.)

[11] *Nexa, mancipia;—usucapiones:*—the rights of the *praedia*, which were *res mancipii;* consequently it is certain not only those which are mentioned by Cicero: the lands added and washt off by water:—validity of testaments:—the rights of the *agnati, gentiles,*—the cases which concern the *caput:* Cicero, as above:—right to the *tutela;* the last of which likewise affects the preservation of property in the family.

[12] No one ought, for example on account of the *causa tutelarum*, to think of the *judicium tutelae;* or confound the fact, that cases concerning the *caput in causa liberali* were tried with the *sacramentum*, and with the judicium against him who had kept a freeman as a slave: that in the latter case an arbiter, and he too a senator, was taken, is clear from Plautus, Rudens, III. 4. 7: *dato De senatu Cyrenensi quemvis opulentum arbitrum Si tuas esse oportet, nive eas esse oportet liberas, Nive te in carcerem compingi est aequom:* where the senate of Cyrene must not mislead us. The same is certain of the *judicium tutelae* and of all *turpia*.—Actions about sums of money that had become due, unless the *aes et libra* were made use of, belonged to the pretor (compare the story of the silly advocate, de Orat. I. 37. [168]), in order to obtain an arbiter, &c. The execution of the sentence of the centumvirs could also be obtained only before the tribunal, by *addictio* or *manus injectio*.

dents, who introduce the business and put the question. Whether they judged themselves and apart, is scarcely clear.

A general plebeian assignment was made after the war with Pyrrhus, when C. Fabricius also accepted and cultivated seven jugers [1013]. According to a notice, which together with several others from the same source we must not despise, the proceeds of the domain lands which were sold, were then likewise distributed among the commonalty [14].

According to Velleius [15] the full franchise was granted to the Sabines in the year 478 (484): this statement however becomes very doubtful from the fact, that the Velina and Quirina, in which were registered the Sabines from the neighbourhood of Velinus and those about Cures, were not formed till about thirty years later [16]. However this may be, this favour must not be understood of the whole Sabine people: Nursia and Reate remained prefectures [17]: Amiternum [18] and the conciliabula of the Sabine district possest political rights of a similar kind: for it was from these places [19] that volunteers were offered to Scipio, when he was not allowed to levy troops according to the tribes.

The numbers, which the census returned during this period, are very uncertain on account of the differences in the manuscripts of the Epitome. According to the readings which have most in their favour [20], the number of heads in 466 (472) had increast to 278,000; which is an

[1013] Columella, praef.

[14] Dionysius, in Mai's Exc. xx. 9. in fine. [15] 1. 14.

[16] According to the Epitomé XIX, where we can no more suppose an errour to exist in such things than in Livy.

[17] Festus, s. v. praefecturae.

[18] The article in Festus also concludes with *aliaque complura.*

[19] Livy, XXVIII. 45.

[20] On this point Drakenborch should be consulted.

increase of 15,000, compared with the preceding census of 458 (464), notwithstanding the great loss in the Gallic war: but in consequence of the war that number in 471 (477) falls down to 271,000 or even to 261,000. The next census is lost: but that of 482 (488) again returned 292,000. Even if the numbers were certain, it would still be a very doubtful speculation to investigate, what share the extension of the franchise, and what share the increase by births and manumissions had in this repeated restoration of the population.

C. Marcius,—a case which did not happen either before or after him, and in his against his will,—was appointed censor a second time in the year 482 (488), on which account he is said to have received the surname of Censorinus: a doubtful statement, since that surname might just as well have been derived from his father having first gained for the plebs a share in this dignity. Now in the year 466 (472) this share became perfectly equal, as Cn. Domitius concluded the lustrum by the customary sacrifice, which had till then been the privilege of the patrician censor.

The censorships still follow each other at irregular intervals: after 458 (464) eight years elapse until the next lustrum. That of Fabricius and Papus in 771 (477) has become more celebrated than any other, from their excluding P. Cornelius Rufinus from the senate, because he possest ten pounds of silver plate for banquets[1021]. The censors themselves had only silver cups and salt-cellars for sacrifices[22]: but it was perhaps not so much watchfulness against the growth of luxury as the conviction, that costly articles which were so unusual according to the customs of the country, had been purloined from the

[1021] Cups: Dionysius, Exc. xxi. 1.

[22] That it was necessary to mention wrought silver in the census, explains the word *dominia* for table-vessels of the noble metals. For it was a *res manicipii* or *dominium*. 2. Verr. III. 4.—Nonius has made a guess, and given a wrong explanation.

booty, perhaps above all others from that of Croton, which a faithful general would have transmitted to the treasury undiminisht. The rapacity and dishonesty of P. Rufinus are known.

It has happened through the very fact, that the degeneracy of manners which had already commenced, placed the natural virtue which was not yet extinct in a clearer light, that those well-known features of mighty contentedness of this time have been remembered. Unfortunately they have also fallen into the mouths of declaimers, and it is painful to follow Valerius Maximus in relating the poverty of Curius and Fabricius. Yet he who relates the history of Rome, cannot omit to mention, how Curius received at his hearth on his farm in the country of the Sabines the Samnite embassadors, who brought him presents, introducing themselves as his clients, when he was eating from a wooden dish, on a wooden bench, turnips which he himself had roasted in the ashes, and how he refused the gold; not moralising, but following his inclination unbiast: they might retain it, he said, for it gave him more pleasure to command rich people than to be rich himself[1023]. On the other hand a tradition has been overlookt, that, when the state had granted everything to the Roman commanders which they required, that they might appear both in the city and the field conformably to their dignity, Curius took with him into the field only two grooms, instead of a whole suite of attendants[24]. Both heroes of the olden school of morals, Curius and Fabricius, plebeians of no family, had no dowry for their daughters[25],

[1023] In Gellius, I. 14, we find in substance the same story of C. Fabricius related from Julius Hyginus: 'the answer, which is not proud and harsh, resembles a tradition from olden times. Fabricius stroked his body with the palm of his hand from his eyes down to his stomach, and said, so long as I control all these, I do not want any riches.

[24] Apuleius, Apol. p. 265. ed. Alt.

[25] Apuleius, Apol. p. 266. It must be remembered that gentiles and clients provided the dos.

in consequence of their birth and not possessing clients, in consequence of their own choice, which wanted nothing for their own house: but this was given by the senate, which assigned Fabricius a burial-place in the city [1026]: a recognition, that he had lived in so godlike a way, that his bones did not, like those of other dead, defile the purity of the temple-district of the heavenly gods; and that his manes could not disturb the living, as a spectre which the consecrated pomerium shut out.

Curius died in 476 (482)[27]. To honour the great Q. Fabius as he deserved, the people contributed to his funeral, one and all, as for Publicola and Menenius: thus every one acted without distinction as a client of the dead. The house did not require the gift, and Q. Fabius Gurges applied it to a general feast for the people.

The Appian aqueduct supplied the wants of only a small part of the city: the booty taken in the war against Pyrrhus[28] was destined to supply the other districts with water; and Curius, as he had deserved, was allowed the honour of executing this work, which death however deprived him of. This water was the Anio, subsequently surnamed the old: it was derived from the river above Tivoli, 20 miles from Rome, and was carried 43 miles round, in order to avoid the valleys: for it was conveyed upon arches for only 221 paces. It still seemed possible, that war might come so near the city, that open water-courses might be cut off[29]. The Cælian, Palatine and Aventine hills, and the Circus lying between the two had no share in this water[30]. Some regions, which were then suburbs, may

[1026] Cicero, de legg. II. 23. (58.) [27] Frontinus, de aquaed. 6.

[28] Under the word *manubiae* we have not only to understand the money which was taken, but all that the questors derived from the sale of slaves and every kind of property; and also from that of lands, which were gained in that war.

[29] The subterraneous passages are now quite filled in many places by stalactites: the Anio gives bad water containing lime.

[30] Frontinus, de aquaeduct. 6. 80.

afterwards have received branches: the piscina publica, the district of the Antonine Thermæ, is among those which Frontinus names; and since the pond there is mentioned as a public place as early as the Hannibalian war [1031], which had disappeared in the time of Festus, if not even as early as that of Verrius, one feels inclined to conjecture, that it was fed by the Anio, and was dug in consequence of its aqueduct. But the soil of that district has many springs, and it may have been superfluous to derive the water from a distance for such a purpose.

Rome now began to assume a more stately appearance by its private buildings also: down to the war with Pyrrhus, the houses of the city had been universally roofed with shingles [32]: now the rain-tiles (*imbrices*), such as are still customary, came into use.

The highroads, which had been made since the censorship of Flaminius, bore the names of their founders: the Latina, Salaria, Nomentana, the oldest Tiburtina, there is every reason for believing, were older: the Punic war with its financial distresses was not the time for such undertakings: they may have been more ancient than even the Appian road, at least in a more imperfect condition [33]. The institution of a magistracy, quatuorviri, for the roads,—the viocuri,—which Pomponius and others place in this time, implies particular activity in this respect.

The fragments of the physical history shew the effects of volcanic fermentations, for which no outlet was then opened. The winter, with which the consular year of 476 (482) ended, has never had its equal in the period of more than two thousand years, which have elapst since [34]: the

[1031] Livy, Epit. xx.

[32] Pliny, H. N. xvi. 10.

[33] Compare above, p. 306.

[34] The chronicles and papal biographies of the dark ages, which are otherwise so scanty, mention just so much of natural calamities, that their silence is fully sufficient to prove this. Such an arctic winter is now no longer conceivable in Italy, on account of Vesuvius.

Tiber was frozen, and snow covered the forum for forty days [1035]: the olive-trees were destroyed by the frost [36], the herds starved: the wolves ran into the city and dragged as far as the forum a corpse they had torn to pieces. In the following year frightful tempests raged, and in the territory of Cales flames burst forth from a chasm of the earth, and in three days and three nights changed five jugers into ashes, together with every thing that the soil bore: in the next, 478 (484), the earth shook, when the Romans and Picentians were arrayed against one another for battle [37].

In the year 470 (476) premature births prevailed among human beings and cattle, and carried off the mothers with their issue [38]. An epidemic, which raged in 481 (487) and 482 (488) and occasioned the Sibylline books to be consulted, cannot possibly, according to the returns of the census, have been so murderous as the ecclesiastical writers are pleased to describe it [39], who are fond of discovering calamities in the early history of Rome.

It is however quite a mistake to say, that the average climate has become warmer.

[1035] Augustin, de Civ. Dei, III. 17. and Zonaras, VIII. 6.

[36] Zonaras mentions trees in general; I have specified those which must have been entirely lost, and the destruction of which was the greatest injury of all.

[37] Orosius, IV. 4.

[38] Orosius, IV. 2.

[39] Augustin and Orosius.

THE FIRST PUNIC WAR.

The fall of Rhegium had deprived the Mamertines of Messana of the only allies whom these robbers could have had. Uniting with them for the prize of the booty, they supported their expeditions in Sicily, in which they no more respected the protection of the Carthaginians than they spared the Greek towns: and the vengeance of the two states which ruled over the island, now rose against them.

It was Hiero of Syracuse, who longed to punish the outrages they had committed for many years. He had now come to the possession of the kingly dignity by a series of prudent actions, which are celebrated by the Greeks, and most of which were praiseworthy: by a regular, though unavoidable election of the people: an election, which the Syracusans never regretted during his reign of fifty years. For he was never charged with any despotic act, and under his unassuming simplicity, which surrounded itself with no splendour of royal etiquette, the Syracusans enjoyed all the advantages of liberty, which they had allowed to escape from them quickly under a republican constitution. His memory long remained sacred: under him Syracuse recovered from the misfortunes, which had prest it down for more than a century, and his government was the last period of prosperity, which a part of Sicily at least has enjoyed.

Hiero had armed the citizens, freed himself from the old mutinous mercenaries, and raised a new army devoted to him and the state; with this he took from the Mamertines the towns they had subjugated, and gained not far from Messana a decisive victory over them, in which their general was taken prisoner. Their whole power was so exhausted by this defeat, that expecting an immediate conquest and the fate of the Rheginian Campanians, they had already determined to go to meet the conquerour and implore his mercy, when the faithless interference of a Carthaginian commander, who was cruising with a squadron off this coast, deprived the Syracusan king of the fruits of his victory, and sowed the seeds of a war, in which the Carthaginians lost a province they had ruled over for two centuries and a half.

The Carthaginians had been aiming for centuries at the complete possession of all Sicily, and as the Greek towns, which were extremely depopulated and weakened, obeyed them for the most part, they believed, that, as their republic had obtained such an extent of power, it was nearer to this conquest than it had ever been, provided it succeeded in gaining Messana; whereas on the other hand the connexion of this town with the kingdom of Syracuse seemed to open a door to the Romans, to establish themselves in the island in the character of the protectors of this kingdom to which they might be invited.

But the Mamertines were divided among themselves, and the protection of Carthage, although a welcome deliverance from the urgent danger, caused suspicion and anxiety to many. As Italicans they turned their eyes towards a ruler of their own country. For Hiero was again in the field and under the walls of their town. Both parties negociated: the Punic one was readily listened to by the governour of the republic: that which sought the protection of Rome, 482 (488), had greater difficulties to overcome. The policy which Rome had followed hitherto, may be called honorable and conscientious, if not abso-

lutely, yet in comparison with that which she exhibits during almost the whole of the remainder of her history. Ambition, love of dominion and conquest are born in the human heart, and virtue cannot manifest itself in a pure, but only in a modified form in the actions of any large society, which comes into collision with others. Rome had already much to repent of, but as yet it had no reason to be really ashamed of any of its actions. But the city must have blusht, which had surrendered its own citizens to the axe of the executioner on account of an infamous deed, when it saved their accomplices from a like punishment for their crimes, and accepted them as its allies.

The advantages which presented themselves from it, and the danger, if Carthage should gain the sole soverainty of Sicily, were obvious: nevertheless the better men were of opinion, that it was a case, in which in the name of God, with the consciousness that matters could not be altered, one ought to keep to the simple dictates of right feeling. The majority of the senate obeyed these laws of honour and conscience, and did not accept the proposal of the consuls. But the latter, Appius Claudius and M. Fulvius, eager for war, called together the popular assembly and repeated the proposal which had been rejected. The people, who were not responsible by their individual votes for a dishonorable decree, and who allowed themselves to be deceived respecting the power of the Carthaginians and the probable duration of the war, and anticipated a rich booty, decreed alliance and assistance. This decree is an eternal disgrace to Rome, and a symptom, that the constitution was beginning even as early as that time to incline too much to the democratical side, although there did not arise internally any disadvantage for the republic itself for a long time to come.

In the mean time not only had the decree been delayed, but the execution of it also, and the Carthaginian party in Messana availed itself of the feeling of the immediate danger, for the purpose of inducing the Mamertines to receive

a Punic garrison into the acropolis, in consequence of which Hiero was compelled to renounce all further undertakings. Although Rome sought the war with Carthage, still it did not wish to assume any other appearance, than that its protection was granted against the cruel and inexorable hostility of king Hiero; and as the latter had now concluded peace with the Mamertines through the mediation of Carthage, the pretext was entirely destroyed which was to justify their interference. Both states avoided as yet every kind of declaration. After a long delay a legate of the consul Appius Claudius, who was probably still detained himself before Volsinii, arrived at length at Rhegium with a part of the army and a number of triremes.

His passage was prevented by the Punic fleet which lay in the strait, and the legate attempted negociations. He sailed in a boat to Messana, where he announced to the Punic commander and the popular assembly of the Mamertines, that his state would be the deliverer of this people from the oppression of Carthage: declaring, that the silence of the Mamertines spoke as loudly as the most vehement complaints could do, which they were obliged to suppress. The reserve and forbearance of the Carthaginians led him to expect, that irresolution might prevent them from opposing an attempt to cross over, which the Romans could never hope to do by force. For not only had they no ships of the line[1040] (penteres, or at least tetreres), but not even smaller ships of war: it seems, that the senate had thought it impossible to form a real navy, and had allowed the small fleet which was useful in the earlier relations of Rome, to fall into decay as useless and expensive now. For the purpose of making a descent upon an island protected by the first maritime power of the ancient world, there were assembled, in addition to the transports, only

[1040] Ναῦς *κατάφρακτοι*. Polybius, 1. 20. 13. The passing notice of Pliny (H. N. xvi. 74), that the Romans built two hundred and twenty ships against Hiero in forty-five days, is a mystery.

triremes and pentecontores, which the Greek towns of Italy provided for this service; among others the remnants of the Tarentine navy[1041].

The sailors however were not acquainted with the current in the strait; a violent wind arose and drove the fleet out of its course; and without the Carthaginians, who only manœuvred to block up the passage to the coast of Sicily, being obliged to abandon their determination of abstaining from any hostile action towards the Romans, several ships fell into their hands, and the others returned to the coast of Bruttium. The ships which were taken, were sent back with their crew, and Hanno, the commander at Messana, invited the Roman legate at the same time not to break the peace, but to renounce his useless intention. But Romans were not frightened by the failure of an attempt. When their answer in refusal was reported to the Punian, he swore not to allow the Romans to wash their hands in the sea: but he did not fulfil his oath.

The legate examined the strait: the current and wind, probably under the protection of the night, brought him on a second attempt to the coast of the island without any difficulty. The harbour of Messana received him. But the citadel was in the hands of the Carthaginians. Hanno's vacillation and fancied prudence surrendered this too to the Romans, but not without a new breach of the law of nations. A poisonous air breathed over the sea upon the virtue of the Romans. The Carthaginian commander was invited to come into the popular assembly of the Mamertines, in order to negociate with them and the Romans. He hesitated; yet resolved to do so, not to neglect any means of reconciliation. After much speaking, as both parties were as little able as they were inclined to yield, a Roman seized the deluded Hanno, who appealed in vain to the law of nations, and dragged him away. The Mamertines shouted approval. Hanno had the weakness to

[1041] Polybius, i. 20. 14.

command the departure of the garrison as the price of his liberation.

For this he was nailed to the cross by the Carthaginians. The mode of their execution was cruel: but the severity, with which they punisht the offenses of their generals, does not deserve blame. Rome conquered, because she was not under the necessity of punishing; or because in the annual election of all the officers as well as of the commanders in war, the disgrace of a degradation removed the guilty and cautioned the others.

Another Hanno, the son of Hanpibal, had in the meantime brought an army to Sicily in another fleet, and was approaching the town. In the name of the republic, as a last word, he called upon the Romans to evacuate Messana and Sicily before a certain day. He was joined by Hiero and the Syracusan forces, which had endeavoured with unseasonable jealousy to crush the Carthaginians, and now sought their friendship too late. The allied armies blockaded Messana, but in separate camps; the fleet was stationed near cape Pelorus, and prevented the importation of all supplies [1042].

The consul Appius, as if by a miracle performed for the evil cause, landed with new legions in the night-time without any obstacle, not far from the king's camp. Unobserved and in silence the army was drawn up for an attack. The battle was decided before the Carthaginians could send help; although the cavalry of the Syracusans gained advantages. Hiero was driven back into his camp; abandoned this also, and retreated first to the mountains, and then to his capital. On the following day the consul made an attack upon the Carthaginian camp. The Punians had weakened their army by a cruel and cold-blooded act of mistrust: many Italicans served among them, and all these, most of whom, being emigrants of nations that had been subdued and destroyed, certainly entertained a

[1042] Diodorus, Ecl. XXIII. 2.

bitter grudge against Rome, they had ordered to be executed, that there might be no traitors among them. Throughout this war, which the government, notwithstanding the glorious deeds of single generals, carried on with uniform thoughtlessness, it never seems to have occurred to them to make war upon Rome through Italy: perhaps it was unwilling to set the example, as their own subjects bore a much harder yoke: but Rome did not require the example, nor did she dread it.

Thus the Punic army was not numerous, and had already, although besieging, sought safety in a strong position on the sea-coast and behind marshes. The attack of the Romans upon a fortified dam in front of the camp failed: but the pursuit drew the Punians into an open country, where the Romans took vengeance. Among the different accounts concerning their further progress the most probable one is, that the defeated army broke up from its camp after the battle, and disperst among the towns of their province for winter-quarters.

The Romans left the Punians alone, and first prosecuted their advantages over the Syracusan king. Appius invaded the small kingdom, and encampt under the walls of Syracuse. A regular attack upon these walls, which time itself has scarcely been able to destroy, was impracticable: but the ravages of the country rendered the citizens still more averse to the war. For two centuries the Carthaginians had been the mortal enemies of the Syracusans, and the circumstances under which an alliance was concluded, unnatural after such inveterate feelings, could not produce patient resignation in their cause: for it was owing to Punic malice alone, that the Mamertines had not been subdued after the victory of Mylæ, and that the Romans were now encampt on the Anapus. Hence Hiero too did not avail himself of the opportunity, when the consul with part of his army was given into his hands on one occasion, but allowed him to escape the danger, letting the time slip by under the

pretence of a negociation: and when sickness, such as has often befallen forein people on the banks of the Syraca, compelled the consul to break up from his quarters and return to Messana, the Syracusans followed the retreat; but instead of battles, conversations and meetings were held at the outposts, and it was as forein to Hiero's inclination to force the will of his subjects in such an undertaking, as it would perhaps have been difficult for him with a newly establisht power.

In the second year of the war 483 (489), the consuls M'. Octacilius and M'. Valerius landed with four legions and the allies without any obstacle. This seems inconceivable, and can only be accounted for by the fact, that the extraordinarily strong number of men in the ships of war of that time, which did not draw much water, allowed a fleet to take a station, only in case it could obtain provisions in the harbour, or when stores were laid up. For the ships had no room for provisions, any more than modern gun-boats. The consuls now advanced on the north eastern declivity of Mount Ætna. Centoripa and Agyrium, which seem to have been again united to the Syracusan state ever since the victories of Hiero, surrendered without resistance; Alæsa too appears to have been one of the Syracusan towns which submitted to Rome; but Catana on the other hand to have been conquered, since booty was carried to Rome from this place. Sixty-seven towns[1043], of which a part was subject to Syracuse, but the much larger number to Carthage, submitted to the supremacy of Rome. When the consular armies approacht Syracuse, Hiero obeyed the voice of the people. The consuls gladly accepted the offer of peace: for in the heart of Sicily the army was in want of provisions. But the opportune offer of peace scarcely softened its conditions. The small number of towns, the possession of which was expressly confirmed to Hiero,

[1043] Diodorus, Ecl. XXIII. 5.

formed, with the exception of the distant Tauromenium, only a small, though rich territory around Syracuse, the most southern corner of the island: a far greater number was taken away from his sceptre by this unsuccessful campaign, which would have been preserved to him by an earlier peace that had been demanded by every consideration. All Roman prisoners were set free without ransom: the king paid down a contribution of 200 talents[1044], and became the ally of Rome. A Punic fleet appeared too late in the harbour of Xiphonia: it left this coast; while the Roman consuls on the other hand made use of the current of their victory, to penetrate as far as the extreme west of the island. Egesta, which called itself akin to Rome, and obtained a very favorable treaty under this title, received them; and so did Halicyæ, together with many other towns of less note. From Tyndaris, on the north coast, which the Carthaginians had maintained in the midst of the revolt of the towns, they now transported the inhabitants, after the discovery of a conspiracy, to Lilybæum, their Sicilian capital.

No Roman generals had yet conducted such a brilliant campaign, but on the other hand no Roman army had yet met with such a feeble resistance. For in Italy all nations fought for their liberty: the Sicilian towns, with the exception of Syracuse, had long lost the idea of the possibility of independent freedom, and did not dream of obtaining it by a treaty with Rome; but they chose a new and, as they hoped, a milder rule, instead of an old one which had become odious, in the wars of which the flower of their population had perisht, and many had suffered the most frightful things from the barbarous mercenary hordes of Carthage and Syracuse. After this campaign the fate of Sicily seemed already decided, and a peace not far off: for the Carthaginians had nowhere made their appearance in the field, and never checkt the progress of the Roman con-

[1044] Orosius, (IV. 7.)

quests; and the complete subjugation of Sicily was at that time not even once thought of by the senate. To these proud schemes, the cherishing of which certainly rendered peace impossible, so long as Carthage did not yet feel quite exhausted, Rome did not rise till after the conquest of Agrigentum in the third campaign of the war, in the year 484 (490).

The inactivity of the Carthaginians did not arise from want of courage: they wisht to keep on the defensive, until they should have assembled a large force. Besides the troops which they levied in the part of Africa subject to them, and the light cavalry which they received from the Numidian kings, they had an extraordinary number raised in Liguria, Gaul, and above all in Spain; of the two former nations numerous corps had fought in Sicily for centuries for and against Carthage, but the extension of the Punic dominion on the coast of Spain afforded the levies there a much wider range than formerly. Of these troops an army was formed at Agrigentum, under Hannibal, the son of Gisgo; a second assembled under Hanno in Sardinia. This was destined to make a descent upon Italy: a danger, which obliged the Romans to make extensive preparations for defense upon the coasts.

It did not however prevent the active prosecution of the war. The pretor could protect Italy: both the consuls went over to Sicily, and directed their whole force against Agrigentum. This town, once so magnificent, which was taken and fearfully ravaged by the Carthaginians in the great Punic war about the middle of the fourth century, had never recovered from that deep fall, although Timoleon had in some measure restored it. Its fate was not less melancholy under internal tyrants than in the destructive wars for the soverainty of the island, each of which had more deeply injured the life it still possest. Its extensive walls, which once protected a population of several hundred thousands, now served as a bulwark for a Carthaginian army of fifty thousand men; for Hannibal in

hope of succours or an energetic diversion had allowed himself to be shut up in the town.

He did not venture upon a battle, since an attack upon the Roman camp at a mile's distance from the town, although under circumstances which promist the greatest success, had been frustrated by the iron courage of the Romans: for no post which the Carthaginians attackt, gave way: all allowed themselves to be cut down while fighting, in order to afford the scattered soldiers time to assemble in the camp; and this was maintained, although the enemy had already pulled down the palisades and were scaling the rampart. After this occurrence the Roman generals acted with their usual caution: they separated their armies and placed them in two different camps, and united these by two lines guarded by many forts, one of them being directed against the town and the other against the country. They themselves had their stores at Erbessus which was not far distant, and from thence they derived ample supplies.

They had encampt before the town about the time of the wheat-harvest, which in those hot districts of Sicily falls in the beginning of June, and in case of a still earlier kind of wheat, which is much cultivated just in this western part of the island, in May, as in Africa. After long hesitation Hanno landed with 50,000 men, 6000 cavalry and 60 elephants[1045], and advanced against the Romans, as he had been summoned by repeated telegraphic signals of the besieged, who were already suffering from hunger. He establisht himself at Heraclea, and Erbessus with all the Roman stores was betrayed to him by the fickle Sicelians. Now the Romans suffered almost as much as the besieged[46]: even the Italicans found themselves placed here under a sun of unknown heat, and epidemics broke out, which were rendered worse by want. The consuls hesi-

[1045] Diodorus, Ecl. xxiii. 8.

[46] According to Philinus in Diodorus, Ecl. xxiii. 7, the besiegers amounted to 100,000 Romans and allies.

tated whether they should raise the siege: Hiero conveyed to them with incredible exertion the most indispensable provisions[1047], because he was lost, if the war did not maintain itself in these districts, for the retreat of the Romans to Messana would have restored to the Carthaginians the whole island; he thus rendered it possible for them to continue the siege, and strengthened their determination to maintain themselves under every disadvantage and with every danger, and not to let Agrigentum escape. Five months had past away since the beginning of the blockade, consequently the season was about the beginning of October.

Hanno now approacht one of the Roman camps as near as ten stadia[48], after an engagement, the advantageous result of which was owing to the Numidian horse, which became in so many battles the chief force of Carthage against Rome. Repeated signals from Agrigentum at last compelled him, though with hesitation, to offer battle to the Romans, who also could not have avoided it longer, since two months more had elapst, in which want had risen among them still higher. Fifty elephants, while a much smaller number under Pyrrhus had been so formidable to the Roman armies, did not frighten the troops in despair: Hanno's army had a retreat free: the Romans' only safety lay in victory, and they gained it. The enemy's general fled to Heraclea; the loss of his army is stated, probably according to Philinus who reduced the number, only at 3000 infantry slain and 200 cavalry, and 4000 prisoners[49]. According to the same account thirty elephants were killed and three wounded. The Roman annals report that eleven were taken: trophies, which then, as conquered artillery now, designated the extent of the victory.

During the battle Hannibal had made an unsuccessful sally upon the Roman ramparts. But he availed himself

[1047] Polybius, I. 18. 11.

[48] Polybius, I. 19. 5.

[49] Diodorus, Ecl. XXIII. 8.

of the southern darkness of a winter's night, while the Roman army was disperst in pursuit and plunder, fatigued and weakened, to break through the Roman lines. He filled the trenches with fascines, scaled the ramparts and escaped with the part of the army, which hunger, disease and numerous engagements had left him On the next morning the Romans stormed the town: the famisht citizens could not defend the extensive walls: but although they begged to be spared and offered to surrender, the soldiers after seven months' suffering thirsted for a still richer booty than the Punic camp had afforded them. The gates were broken open, and the town given up to all the horrours of plunder. Twenty-five thousand persons[1050], which probably includes only the free, for the slave merely changed his master, were sold into slavery.

On this frightful day Philinus, who wrote a history of this war which was much read in the times immediately following, and which was a continuation of the history of Timæus, lost his native town. He avenged himself by a history highly unfavorable to the Romans, and partial to Carthage; a partiality, which Polybius does not interpret to his disadvantage, but very justly remarks, that manifest distortion of history and false praise of the defeated punish themselves, as soon as the personal sympathies of the readers cease after some generations.

Agrigentum was built up again under the Roman dominion, and it has maintained itself down to the present day after repeated devastations; for so blest is Sicily, that the consequences of ruinous governments for two thousand years have not been able to suppress the restorative power of nature.

After the loss of Agrigentum Hanno was recalled, and condemned to pay a fine of six thousand pieces of gold. Rome sent new generals to the war every year: for in this period of democracy a second consulship was an exceed-

[1050] Diodorus, Ecl. XXIII. 9.

ingly rare distinction, even after a longer interval than the legitimate ten years. Among this number very few shewed themselves unworthy of the most complete confidence, or incapable by the misfortunes they experienced. The number of the Carthaginian commanders was limited: but before Hamilcar Barca appeared, there was among them only a difference in mediocrity; and during the first and greater half of the period of the war either no generals developt themselves, or the republic knew so little how to find them, that, when a general was removed for want of skill or fortune, another was appointed to succeed him in a regular rotation, who had even previously, and often more than once, been suspended from service for the same reasons.

The same clumsiness manifested itself on all sides. The richest commonwealth in the world was in want of money, and the soldiers revolted, because they were not paid: Rome, incomparably less rich, and whose own citizens felt the pressure of the taxes much more severely than the Carthaginians, who principally taxt their subjects, raised the necessary sums, and if the pay was not given, the soldiers bore it without murmuring; they were fed, it is true, at the cost of unhappy Sicily, which suffered indescribably. Thus the Gauls in the service of Carthage threatened to pass over to the enemy, unless the arrears of their pay were given them: and Hamilcar, not the great Barca, who had succeeded Hanno in the command, thought that he could only help himself by a shameful stratagem. He referred them to the plunder of Entella, pretending, that the treacherous surrender of this town, which had a Roman garrison, had been offered him: at the same time he sent intelligence of it to the Romans. When therefore the Gauls had been tempted into the town and were all slain, but not until by a desperate resistance they had dragged many enemies with them into the lower world, this appeared a very prudent stratagem.

A better praise must be bestowed upon the use, which he himself and the Hannibal who had commanded at Agrigentum, now made, as admirals, of the Carthaginian supremacy of the sea in the year 485 (491). With a fleet of sixty ships[1051] they ravaged the coast of Italy, which could nowhere be defended by the most exhausting exertion of a chain of posts against the superior numbers of an army, such as a fleet at that time could land, and terrified many of the towns on the coast of Sicily into placing themselves again under the Punic dominion. In the interiour of the island on the other hand, where no Carthaginian army promist relief to those who preserved their fidelity, all the towns gradually submitted to the Roman armies.

This turn of the war dissipated the hope that had been conceived too quickly, of soon obtaining peace and thereby the complete possession of Sicily: the unprotected and accessible state of Italy demanded the only suitable defense: for it was only a general that Carthage wanted, in order to shake the Roman empire in its own home: and they saw that it was only victories in Africa, which could bring the war to a close. Hence the senate determined to build a fleet, and to attack the Pœnians on their own element. As the states of Barbary, although maritime powers, do not possess a single ship of the line, and their ship-builders, who are excellently skilled in building sailing shebecks, would not even understand how to set about constructing a ship of the line in the wharf, because the building of the different kinds of ships differs much more widely than in proportion to their size: so the Romans, without a model, or at least until they had received one from far distant and friendly countries[52], would have been obliged to renounce the building of the fleet, had not a Carthaginian pentere

[1051] Orosius, IV. 7.

[52] The Greek towns of Italy had triremes, but these, even if built in the greatest numbers, would not have dared to approach the ships of war with high bulwarks.

been wreckt upon the Bruttian coast at the first attempt to prevent the passage across the Faro, and remained in the hands of the Romans.

After this model a hundred and thirty ships were built[1053], the building of which was completed on the sixtieth day after the trees had been felled[54]: consequently the wood was quite green, and the fineness of their structure was about equal to the time they could last; the awkward vessels obeyed the rudder imperfectly, and moved heavily under sails and oars. A sufficient number of practist rowers was also wanting; not that the maritime towns of Italy had no merchant-ships, but they were built not as galleys but as sailing-vessels: and their few long ships could only supply teachers for the rowers. A hundred penteres required thirty thousand rowers and twelve thousand marines: probably the former also consisted of freemen and not of slaves; besides the allies, the proletarians, I should think, were used as marines, of whom it is known that they served in the fleet, and it is improbable that it should have been as rowers. The rowers were trained on scaffolds, and for a short time in the ships, so long as the fleet lay at anchor. For their impatience to try their new weapons, and the state of Sicily which was growing worse, called the consuls to the sea.

In the year 486 (492) Hamilcar had assumed the offensive, blockaded Segesta and beaten the legate C. Cæcilius, who had attempted to relieve it: the pretor was sent from Rome to Sicily to undertake the command, because the consuls engaged in superintending the building of the fleet, could not yet leave the city: still C. Duilius went into his province as soon as possible. His collegue C. Cornelius Scipio sailed to Messana with the vanguard of the fleet, seventeen penteres; the rest followed along the coast, as soon as they were ready for sea.

[1053] Orosius, IV. 7. Polybius, a hundred and twenty, I. 20. 9. πεντηρικὰ μὲν ἑκατὸν, εἴκοσι δὲ τριήρεις. I have no doubt that τετρήρεις must be read instead of τριήρεις. [54] Pliny, H. N. XVI. 74.

At Messana there appeared before the consul, whose credulity and incapacity drew upon him the surname of Asina, false messengers from Lipara, a Greek town of the Cnidians, and, since it was a distant island, under the rule of the Carthaginians; inviting him to take possession of their islands. Near them was stationed the Punic captain Bogud with twenty galleys, waiting for the issue of the stratagem, and shewed himself in front of the harbour as soon as the Romans had run into it. The Roman crews were seized by a panic, fled to the shore where they could least escape the victor, and the consul was taken prisoner with those who, like himself, had remained on board the ships: the whole of this squadron was thus lost[1055].

The Carthaginians had ridiculed the undertaking of the Romans; after this success Hannibal, their admiral, believed that he could destroy the whole fleet of the enemy, before it reacht Sicily. He sailed with fifty galleys to the Italian coast, but he found himself unexpectedly and unprepared for it in the midst of the enemy, from whom he only escaped with the loss of the greater number of his ships. Thus the indecisive disadvantages were equally balanced.

The commanders of the Roman fleet, when they heard of the fate of their consul, invited the consul C. Duilius to undertake the command, and he withdrew for a time from the war on the land, the issue of which it was clearly necessary to decide on the sea. He did not conceal from himself that the ridicule of the Carthaginians at the awkwardness of the Roman galleys was well-founded, and he invented the means of conquering with these immovable masses. This was only possible, by depriving the enemy of all the advantages of manœuvering, and taking their ships by boarding. For the crews of the African galleys,

[1055] Polybius, I. 21. 4. Polyænus, Strateg. VI. 16. 5. Orosius, IV. 7.

which were unquestionably just such a rabble as serve in the ships of the Barbary states, could not possibly resist the Roman soldiers.

To accomplish this every Roman ship was provided with a boarding-bridge and a hook in a simple and rude manner. In the forepart of the ship a mast was erected twenty-four feet in highth and three quarters of a foot in diameter, which terminated in a pulley[1056] at the top. A ladder four feet broad and thirty-six feet long was fastened against this mast in such a manner, that two thirds of its length lay beyond the mast. The staves of the ladder were nailed over with boards in an oblique direction, which formed steps, and the sides were protected by a parapet up to the highth of the knee. At the extreme end of the ladder an exceedingly strong and sharpened iron was attacht, with a ring at the top, through which a rope ran to the pulley. By means of this the boarding-bridge was drawn up, so that it reacht twelve feet above the mast: where it was fastened against the mast, it must have had a hinge. Now if an enemy's ship came near enough, the rope was loosened, the bridge fell down, and became fastened by means of the iron point, which bored through the boards of the deck in falling down: then a two-fold flight of steps was formed, by means of which the Romans ascended from their deck up to the mast, and then by a very gradual and safe slope descended upon the deck of the enemy's ship. This bridge held two men abreast, and a few minutes were sufficient to throw upon the enemy's ship the two maniples, which were then embarkt as marines upon every Roman pentere.

Thus prepared Duilius boldly went out to meet the fleet of the enemy, when he had heard that it was ravaging the coast of Mylæ. The Carthaginians however with one hundred and thirty ships hastened to battle as if to a triumph, without even forming a line of battle. Thirty

[1056] τροχιλία. Polybius, I. 22. 4.

ships which the Romans first attackt, were seized by the boarding-bridges and taken. The others tried by evolutions and manœuvres to gain from the Romans a favorable position for an attack: but either they could not come near, or when they came near enough, they were seized by those fearful machines, and destroyed or taken. Hopeless and ashamed they at last took to flight. Thirty-one ships were taken, and among them the admiral's vessel, a heptere, which the Carthaginians had conquered in the sea-fight against Pyrrhus[1057], and fourteen were destroyed: seven thousand men were made prisoners and three thousand killed[58]. The Romans seem not to have lost a single ship.

The fruit of this victory was the raising of the siege of Egesta, which was already reduced to extreme want, and the capture of an unimportant place, Macella. The triumph of a naval victory was greater than its fruits. It was prolonged to the general for his whole life, for he was permitted to be accompanied home in the evening from banquets by torch-light and with the music of a flute-player. A monument, of which a very ancient copy is still extant, perpetuated in marble the title of the Duilian triumph, and the list of the booty he carried home.

After this victory by sea the Romans divided their forces in the following campaign 487 (493), as if they were superfluous for Sicily, and this no longer satisfied them as the prize of the war. The fleet under C. Cornelius undertook an attack upon Sardinia and Corsica, while only one consular army remained in Sicily. Sardinia was at that time completely subject to the Carthaginians, and at least the coasts of Corsica: the neighbourhood of the Etruscan coast excuses the division of the Roman forces, which was otherwise injurious in its consequences. Aleria in Corsica, originally founded by Greeks, was conquered by the Romans, and a fleet under Hannibal, which was attracted by the danger of Sardinia, a province which

[1057] Polybius, I. 23. 4. and 6.

[58] Eutropius, II. 20.

was regarded by the Pœnians as one of the most important parts of their empire, allowed itself to be shut up in a harbour and was destroyed by the Romans. The unfortunate commander was put to death by his own men on the shore, whither he had fled with them, and was honorably buried by the Romans[1059]. Scipio after this landed in many parts of the island, and carried away a great number of prisoners: from Olbia he retreated, as a superiour Carthaginian army shewed itself near this town[60].

This was a profitable piratical expedition, which was injurious to Carthage: but the turn which the war had taken in Sicily through the diminution of the Roman forces, was more injurious to Rome. Hamilcar compelled them to raise the siege of Myttistratum; surprised them near Thermæ and killed four thousand of their men; and garrisoned Enna and Camarina, which were surrendered to him by the inhabitants. He transported the Elymeans of Eryx, whose fidelity he could not trust, down from the mountain to the port of Drepanum, which he made into one of his chief fortresses; his preparations for fortifying what he possest, as well as for recovering what was lost, were so much to the purpose, that the consul C. Aquillius was confined to a difficult defensive war. In the same year an unexpected and fearful danger threatened Rome in her innermost parts. Four thousand Samnites were quartered in the city, who had been enlisted for the service in the fleet. They found here many of their unfortunate countrymen in slavery, and their common misfortune establisht a bond between them and the slaves of other nations,

[1059] Polybius, I. 24. Here the difference between him, Zonaras, Orosius and the Epitome of Livy is very great. According to the last two Hanno commanded the Pœnians, and according to Orosius he fell in the battle. Hanno is afterwards mentioned too often by Zonaras to allow us to differ from Polybius here, if it might in general appear advisable to do so, without multiplying the Hannos without end.

[60] Zonaras, VIII. 10. νησιωτῶν instead of νεῶν.

whom they met at Rome. Whoever shared their thirst for vengeance, was their equal. Thus they gained three thousand slaves to join their conspiracy; their plan was to set fire to the city, and in a general massacre of the citizens to excite also to rebellion the rest of the multitude of slaves: an undertaking which might have succeeded even to the destruction of the city, although those who accomplisht it, would then have sunk under the assembled forces of the inhabitants of the country and the municipia. This secret, which had been kept by seven thousand men, most of whom evidently belonged to the lowest order, was betrayed to the senate by Herius Potilius, the commander of the Samnites, and the conspiracy suppresst.

In the year 488 (494) the consul A. Atilius Calatinus restored the Roman ascendancy in Sicily. The Punic garrison of Myttistratum had borne a blockade of seven months; but the inhabitants died of hunger, and the lamentations of the famishing women and children moved the hearts of the hard Africans: they withdrew, and left the inhabitants to negociate a contract with the besiegers. But these had no mercy: sparing the inhabitants was the reward only of a surrender without any resistance, and where the towns were not in their own power, the Romans required that they should deliver up their garrisons in order to find mercy. Thus Myttistratum also, under the fearful pretext of an example, was taken by storm without difficulty: whatever breathed was murdered, and only a few had their lives spared, in order to spend them in slavery. From the ruins of this very strong town the army directed its course against Camarina. On its march it fell among the mountains into a danger similar to that which befell the Roman army in Samnium in the first war, and was saved by a similar sacrifice. A tribune, M. Calpurnius Flamma, drew the whole force of the enemy upon himself and three hundred men, with whom he occupied a hill, while the army gained a free passage.

He himself was found bleeding among the corpses of his companions, but his life was restored, and frequently devoted afterwards to the good of the republic. The elder Cato reproacht the Romans with their indifference to their own history, because this sacrifice was known to few and still more seldom mentioned, while Leonidas was reckoned an honour to all Greece. It is still more strange, that this tribune bears a different name in the different annals, which must not be alleged as a proof of the fabulous character of the history, but probably of repeated sacrifices of a similar kind, of which the place and particulars are lost.

Camarina defended itself with great obstinacy, and would not have been taken, unless Hiero had sent artillery to the Romans. With this they opened a breach, and the Camarinæans were destroyed or led into slavery. This town and the neighbouring Gela had within the same generation been destroyed by the Mamertines, who, although they are not mentioned, must now be reckoned among the Roman allies, and as the most fearful scourge of Sicily. Gela never rose again from its ruins: Camarina had been somewhat restored; but from this destruction it never recovered. It is a heart-rending sight to behold, how these towns, which had flourished beyond all description down to the unfortunate year in which the Carthaginians had undertaken their subjugation, enticed by the internal dissolution of the Greek towns,—it is true, they had decayed inwardly in the midst of their prosperity,—were now torn up and annihilated one after another, as plants carried to a forein soil: and it is singular that, while they themselves disappeared, the earlier inhabitants, who had become changed into Greeks, preserved the recollection of the Greek settlers, and their language for fifteen hundred years. Enna was surrendered to the Romans after the fall of Camarina; the consul appeared before the Punic army near Panormus, which did not venture to quit its fortified camp.

In the same year according to the majority of the his-

torical books which differ from Polybius, the collegue of the consul carried on the war in Sardinia with success, and those who give this account, place the murder of Hannibal by his own defeated army in this year. But notwithstanding the advantages they had gained in this island, they still perceived the mistake of having divided their efforts, to which they were probably led by the false hope, that the natives would unite with them.

In the eighth year of the war 489 (495), almost the half of Sicily was still in the hands of the Pœnians: almost the whole of the north coast, and the west as far as Heraclea on the Halycus; and the Romans extended their conquests only very slowly in recovering what they had gained in the days of their rapid progress. A naval victory near Tyndaris raised their hopes of bringing the tedious war to a decision, which was wasting their strength. They undertook immense naval preparations, which the Carthaginians met with equal ones. Three hundred and thirty Roman penteres, each manned with three hundred marines, crost the strait and took on board upon the coast four thousand men, the flower of the Roman armies, in order to carry them to Africa, in 490 (496). The Carthaginians went out to meet them with three hundred and fifty penteres, which carried no less than a hundred and fifty thousand men. It was the greatest truly warlike effort, that the ancient world had seen.

The fleets met one another in sight of Ecnomus, where the Pœnians had conquered Agathocles half a century before. Hamilcar, who up to this time had distinguisht himself far above all the other Carthaginian generals in this war, and Hanno commanded the fleet of their nation: the two consuls, L. Manlius and M. Atilius Regulus that of the Romans, the latter of whom was brought by the brilliant fortune of this day into the deepest misfortune, and in a most strange manner to a reputation with posterity, which will maintain itself in spite of all criticism. The battle was destructive and decisive: but as we are

accustomed to see in naval engagements still greater skill than in land-fights, and to expect the decision of them from this very skill and the control of the crew over their ship, so we look upon these Roman sea-fights, half-smiling and half-indignant, that rude force annihilated all the advantages of art and practice. The Roman fleet was divided into four squadrons, the first of which was commanded by the consuls themselves. They were so stationed that the ships of the admirals stood by the side of one another, the one on the right wing of the left squadron, the other on the left wing of the right: and while these went first, they ordered the rest to follow them in such a manner, that, inasmuch as the ships of each squadron set themselves in motion one by one successively, while the foremost rowed continually onwards, the straight line was gradually changed thereby into a right angle. This angle was closed by the third squadron, which towed the transports of the cavalry by cables, and these were immediately covered by the fourth. The Punic fleet too was divided into four squadrons: and while the two which formed the centre, drew away the Roman vanguard from the third and fourth lines by an apparent flight, the left wing of the Carthaginian fleet sailed round them and attackt the third squadron, and the right meanwhile the fourth: thus three battles were fought at once. The main force of the Romans conquered, and when it had disperst the enemy, it delivered the two other squadrons, which were hard prest and would have been lost, if the Carthaginians had been less afraid of the boarding-bridges. The remains of the Punic fleet assembled again near Heraclea. More than thirty Punic ships were sunk: sixty-four were taken with their crews: the Romans had lost twenty-four ships which were destroyed[1061]. While the consuls repaired the damaged ships, and prepared to sail to Africa, the Punic general Hanno appeared before them, in order to

[1061] Polybius, 1. 26—28.

avert the threatening danger by concluding a peace, or to gain time. His mission was fruitless, and only occasioned an empty boast from the annalists of the virtue of the Romans, who did not violate his freedom, although he had put himself into their power.

The Roman army left the Sicilian coast with horrour and sad forebodings: even the tribunes murmured at the ruinous foolhardiness, and Regulus suppress the ferment only by threats of extreme punishment. The Punic fleet was much too weak to meet the Roman one openly; Hamilcar and Hanno separated, in order to cruise against them and avail themselves of opportunities, with the advantage of vessels that could sail better and avoid an engagement: but Hanno abandoned this plan, and hastened to Carthage, fearing lest the enemy's fleet should sail straight to this harbour.

It did not do this, but landed on the eastern coast of the Hermæan promontory. Clupea, the first town, before which the Romans appeared, was abandoned by its inhabitants: here they establisht their head-quarters, and erected ramparts for the protection of their fleet. Africa had recovered from the invasion of Agathocles: it presented the same abundance of wealth, in the destruction of which the Syracusan prince had reveled, and the same materials for commotion and rebellion. The country was cultivated like a garden for many miles from Carthage: the splendid buildings, the neat and luxurious aspect of the fields had excited the admiration of the Greeks half a century before; to the Romans this splendour was still more strange. They spread their devastations over the country; these palaces and countryhouses were set on fire, after every thing had been carried away which seemed worth removal; a countless multitude of prisoners, and herds of captured cattle were driven to Clupea. Many Roman prisoners were delivered from slavery.

It was then still customary for one of the consular armies at least to return to Rome for the winter and to be

disbanded; often single garrisons only remained: it was by this military system, which, it is true, prevented the separation of the soldiers from the citizens, that the conquest of Italy had been so long delayed. Now too it was determined, that L. Manlius should return with his army and the greatest part of the fleet; a measure which seems quite senseless, as the war in Africa could only end with the conquest or submission of Carthage, or else with the destruction of the Roman army; and the army of Regulus alone, although it was supported by the rebellious Numidians and other Africans, could only be sufficient for the complete conquest of Carthage, as long as the generals of Rome were supported by the inability of the Carthaginian commanders.

At this time Regulus is said to have petitioned the senate for his recall, because his plebeian farm was going to ruin during his absence, and his family was suffering want: whereupon the senate is said to have decreed, that the expenses of his household should be paid during his absence out of the treasury of the republic, and his family be provided for. This narrative is one of the best-known emblems of ancient Roman virtue, partly in this form, and partly in a somewhat different one, according to which Regulus refused to undertake the consulship for this reason. And one feels as little inclined to doubt critically the above-mentioned complaint and ordinance of the senate, as there appears to have been any occasion for it. But that Regulus wisht to leave the army, was not believed by Polybius, who is of opinion, that he was anxious to hasten to compel Carthage to a peace, that his successor might not reap the glory[1062]; and the highest greatness, which can dispense with the glory of a single action, was wanting in the character of Regulus, which has been very much overrated. He does not belong at all to the greatest men of his time, although he had the virtues of this age: he was by no

[1062] I. 31. 4.

means a perfect general; he trusted blindly and without any foresight to an extravagant piece of fortune, and had so much presumptuous confidence in this fortune, that Nemesis visited him to the injury of his country no less than to his own.

After L. Manlius had embarkt 27,000 prisoners in the fleet, 491 (497), Regulus led his army from the rest of short winter-quarters, and opened the campaign by the siege of a town, Adis, the situation of which, like most of the African geography before the time of the Romans, is at least uncertain. The Pœnians meanwhile had assembled an army near Carthage, and brought over a part of the one in Sicily. They gave the command to three generals, Hamilcar, Hasdrubal and Bostar, who combined with all the disadvantages of a divided force the still greater one of an inability to comprehend in the tenth campaign the peculiarity of a Roman war, and the strength or weakness of their own armies. They avoided the plains, in which the Romans must have feared to meet their cavalry and elephants, and withdrew into the mountains, where the nature of the country rendered them useless and harmless to the enemy, without weakening his peculiar strength. Thus they encampt among the mountains near Adis to relieve this town, and hence the forein troops were beaten and disperst after a courageous resistance, without receiving any support from the cavalry and elephants. Eighteen thousand of the Carthaginian army are said to have fallen in the battle: five thousand men, and eighteen elephants were taken. After this battle the Carthaginians retreated within the walls of their city: Regulus conquered Tunis: seventy-four towns submitted to him: the Numidians threw off the dominion of Carthage, and completed the devastation of the country.

If Regulus did not belong to the poetical period of Rome, and Nævius had not sung of the first Punic war in the ancient fashion and in the native metre, we should scarcely read in the history of this campaign of the fight

with the gigantic serpent, which measured one hundred and twenty feet, attackt the soldiers on the river Bagradas, devoured or killed them with his poisonous breath, and resisted the missiles of the whole army, until the balistæ were brought up and crusht it in pieces.

Regulus wrote to the senate, that he had sealed the gates of Carthage with horrour: many hundreds of thousands, the innumerable population of the city increast by the fugitive country-people, were shut up by these gates and suffering from hunger. An embassy sued for peace in the Roman camp, and Regulus might then have preserved what the republic had painfully gained by thirteen years of incessant war with the lives of upwards of a hundred thousand citizens and allies. But the proconsul fancied that he held the fate of Carthage in his hand: and he wanted to decide it. For he expected indeed, that, if terms of peace, which might be accepted by Carthage as tolerable, were laid before the Roman people, the latter would refuse the peace, having already entertained the hope of conquering Africa: in the mean while the time would pass away in a truce, and as the consular power was then prolonged only for a year, the consul of the following year would undertake the command in Africa and conclude the war by the conquest of Carthage. He therefore demanded the cession of Sicily and Sardinia: the restoration of all Roman prisoners without ransom, ransom for the Punic ones: a yearly tribute: recognition of the Roman supremacy: renunciation of the right to carry on wars without the sanction of Rome: the surrender of all ships of war except one: but if Rome should require it, then Carthage was to make preparations, in order to send to her assistance fifty ships of war. When the Punic envoys were informed of these terms, they withdrew without giving an answer, because they were not better than destruction itself.

This despair however would have been fruitless, and Carthage would probably have perisht, had not the fate,

which wisht to let the soverainty of Rome rise more slowly and establish itself more firmly, led the Lacedæmonian Xanthippus to Carthage among other volunteers from Greece, where life had become more and more intolerable to every active man. Sparta was at that time in the deepest decay of weakness and internal degeneracy: as yet Agis was a child, who was the first to draw it again from its obscurity: Sparta was desolate and exhausted, but the laws of Lycurgus still existed, and citizens whose minds were akin to better times, might through these laws raise themselves to those times. We know Xanthippus only from this Punic war, but in all ancient history nothing has been more completely, and, it is true, deservedly destroyed than the annals of the Macedonian kingdoms of this time: in their wars Xanthippus must have been trained, and have acquired fame: for he did not come to Carthage as a mere mercenary, and his opinion would not have been regarded, had it not come from a man whose judgement commanded attention through its reputation. We naturally endeavour to represent to ourselves the life of a great man in its whole outline: and we shall not be mistaken in supposing that he fought as a young man against Pyrrhus in the defense of Sparta and with Areus, when he fell for his country near Corinth.

Xanthippus exprest with Spartan frankness, that neither the Romans nor the troops of Carthage were the cause of this uninterrupted series of disgraceful defeats, which had brought Carthage to the verge of destruction, but merely the ignorance of the Punic generals, who did not know how to use their very serviceable troops. If it is true that the democracy of Carthage was often injurious to the public welfare, we may yet be reconciled to it, since without this democracy, which compelled the government to listen to the forein deliverer, the Punic generals would probably have preferred perishing with their country, to raising a foreiner above themselves. But a presentiment of deliverance pervaded the people, and the general voice

demanded that Xanthippus should conduct the war. When this had been decreed, and Xanthippus arranged the army and exercised it before the city, every one saw, that quite a different and a higher spirit prevailed through his means, and every one was sure of victory [1063].

In the same manner as the Carthaginians had first adopted the use of elephants in war through the Macedonian tactic, although Africa is the native country of these animals, so it is also visible in the campaigns they had conducted hitherto, that they did not know how to make any use of them, until Xanthippus taught them. Relying on his hundred elephants and four thousand horsemen he went to meet the Romans, although he had only fourteen thousand foot-soldiers and Regulus had assembled an army of more than thirty-two thousand men. The Romans scorned the Greek, who had presumed to march into the field against them; for the name of a Greek was as contemptible with them, as the name of a Roman with the Lombards and Franks. Yet the confidence, with which he shewed himself in the plains, soon made them astonisht and uneasy.

Xanthippus placed the mercenary troops on the right wing: the left he assigned to the Carthaginians: the cavalry and light troops were distributed on both flanks, and the elephants were drawn up before the front of the infantry. The Romans tried to protect themselves against the animals by their light troops, and made their battle-array unusually deep, in order to resist their attack. The left wing of the Romans attackt the mercenary troops, beat and pursued them. The right was trodden down by the elephants. The cohorts which broke forth through them, were received by the Carthaginians and routed. At the very beginning of the battle the Punic cavalry had chased the incomparably weaker one of the Romans from the flank of the Roman army, and whatsoever was not dis-

[1063] Polybius, I. 32. 6.

perst by the elephants, was obliged to turn against this enemy. The whole Roman army was disperst and annihilated. The consul was taken prisoner with five hundred men, the Romans themselves stated their dead at thirty thousand: two thousand escaped to Clupea in the confusion of the pursuit.

The chronology of these times, which is seldom stated in the accounts that are extant, becomes still more obscure by the circumstance, that the consular year still does not begin simultaneously with that of the era. It is clear from the triumphal Fasti, that the consuls still entered upon their office after the Ides of April, probably with the month of May; and that the expedition to Africa to save the remains of the army of Regulus fell in the spring, is certain, as the storm surprised them on their return, after the summer solstice, or at the beginning of our July[1064]. That Serv. Fulvius and M. Æmilius had already the command as proconsuls at that time, but had sailed to Africa shortly before the expiration of their magistracy, and that consequently the defeat of Regulus too must be placed in the beginning of the chronological year 492 (498), cannot be doubted, inasmuch as the naval triumph of those commanders as proconsuls occurs in January of the year 493 (499)[65]: their consulship consequently must have come to its close in the spring of the preceding year.

The Roman garrison at Clupea defended itself beyond expectation, however much the Carthaginians exerted themselves to clear their country of these last enemies. The success of their defense becomes more intelligible by the circumstance, that the rebels in Africa were still under arms, and necessarily divided the strength of Carthage. The whole of the Roman fleet, three hundred ships of war[66] at the least, was sent thither under the command of

[1064] Polybius, I. 37. 4. and Schweighäuser's notes.

[65] XIII. Kal. Febr. Triumphal Fasti.

[66] Orosius, IV. 9. Polybius, I. 36. 10, speaks of three hundred and fifty.

the two consuls already mentioned. It reduced Cossura under the Roman dominion, and met the Punic fleet near the Hermæan promontory. The engagement was for some time undecided, until the Roman squadron which had been left behind off Clupea, sailed out, and compelled the Pœnians to a divided defense. That this victory was one of the greatest and most brilliant, cannot be doubted, however much the statements respecting the loss of the Carthaginians differ from one another. We cannot doubt, that Livy stated, that a hundred and four of their ships were destroyed, thirty taken with all their crews[1067], and that thirty thousand men perisht: and that the Romans on the other hand lost nine ships which were destroyed, and eleven hundred men. It is highly probable that the numbers in Polybius are corrupt[68]: in the careless Diodorus it is plain, that he follows the account of Philinus, which was partial to Carthage, since he is silent about the vessels which were destroyed, and only speaks of twenty-four that were taken.[69].

After this victory the consuls landed at Clupea. A battle, in which the Carthaginians are said to have lost nine thousand men, drove the enemy's army out of this district, and secured the embarkation. But the complete want of provisions, an obstacle, which the Romans felt the more oppressively, the wider they extended their devastations in every new campaign, compelled them to renounce all the prospects, which this victory and the constant rebellion of their Punic subjects in Africa afforded them. It was necessary to make the greatest possible haste with the embarkation, that they might not perish with hunger.

It was about the summer solstice, near the rising of Sirius, about the time when the Etesian winds begin, and the northern and eastern ones, previously very changeable,

[1067] Orosius, IV. 9. Eutropius, II. 22.

[68] I. 36. 11. *ναῦς ἔλαβον ἑκατὸν δεκατέσσαρας.*

[69] Diodorus, XXIII. exc. 14.

break up with stormy weather, in order to make room for the western trade-wind. In our northern latitudes and more extensive seas this season is also stormy: but the Mediterranean and especially the sea between Sicily and the Syrtes is far more stormy and dangerous than the ocean; the best sailors with the strongest ships dread these waters, which threaten just at this season even ships of war with destruction.

The pilots cautioned the Roman commanders to avoid the southern coast of Sicily on account of this danger, and to take their course round Lilybæum along the northern coast. But this as far as Tyndaris was entirely in the hands of the enemy, and the necessity of reaching quickly a friendly port and a rich market seems to explain the daring resolution of the Romans not to listen to these cautions, more correctly than the opinion, that it was their intention to surprise some maritime towns[1070]. Off the coast near Camarina, which had been the victim of Roman cruelty a few years before and still lay in ruins, the storm seized the fleet. It suffered an unexampled shipwreck. The numbers of the lost ships of war, which were partly swallowed up by the waves, and partly cast upon the strand, is very differently stated, and in the two extreme numbers, three hundred and forty[71] and two hundred and twenty[72], we may discover the partial belief or the deceitful representation of the two historians of this war, Philinus and Fabius. Three hundred transport-vessels are said to have been stranded besides. The whole coast of Camarina as far as the Pachynus was covered with wrecks and corpses. In this mournful distress Hiero proved himself a faithful ally; he provided those who escaped with food and clothing. The remains of the fleet assembled off Messana.

The Romans never shone upon the sea, and the mari-

[1070] Polybius, I. 37. 5.

[71] Diodorus, XXIII. Exc. 14.

[72] Orosius, IV. 9.

time wars of the ancients are in general almost childish compared with those of modern times, notwithstanding the enormous expenditure of men. Yet the shipwrecks of whole fleets in antiquity must not give too contemptible an idea of the navigation of the ancient nations. Even now native masters in the ports of Barbary and Greece without theory, according to a tradition, the origin of which must infallibly be traced back to classical antiquity, build ships which sail excellently and defy every tempest not less than the vessels of the ocean. But as ships of war are now the most perfect, so they were in antiquity just the frailest, because it was necessary to build them, not for sailing, but so that they might be entirely under the control of the rowers. They could not stand a storm in the open sea, and though their bottoms were so flat, that the crew, if they were thrown upon the strand, could usually save themselves, still their weak frame was dasht to pieces by the shock.

This fearful occurrence raised the spirit of the Carthaginians. The rebellious nations of Africa were subdued: their chiefs were hanged, and a fine of a thousand talents and twenty thousand oxen was imposed upon the people: and Xanthippus seemed to have taught them a system of tactics, which the Romans could not withstand. But he himself had left Carthage to escape from envy, and to enjoy the fame he had acquired in a forein land, in his own country, which is more ready to acknowledge it than to grant it to the same qualities. The Pœnians were still masters of half of Sicily, the Romans having made no progress in this island since the year 488 (494). Carthage conquered Agrigentum, and repeated the horrours of the first conquest on the unhappy multitude, which had again assembled within these walls that were devoted to destruction[1073]. A new army landed from Africa with a hundred and forty elephants: two hundred ships of

[1073] Diodorus, XXIII. Exc. 14.

war were fitted out at Carthage, and it was expected that Hasdrúbal would act on the offensive[1074].

But the Roman republic had so little lost her courage at the frightful news of the fate of the fleet, that the first thought was only the command to build a new one. This fleet, two hundred and twenty ships, was completed in three months, and Cn. Scipio and A. Atilius Calatinus[75] conducted it to Sicily, with numerous troops. They gained Cephalœdion by treachery, and blockaded Panormus, without the Punic general having dared to leave his quarters near Lilybæum. Panormus became great, after the more ancient towns had fallen, but it was already considerable and flourishing as an old Punic town, or more probably one founded and inhabited by various kinds of Greek adventurers: its internal strength was attested by the New Town, peculiar to many towns of prosperous Sicily, which had been built by the increasing population. This was first taken by storm: the old town capitulated on condition, that the freemen should depart upon paying a ransom of two pounds of silver a head, and leaving all their property behind. Thirteen thousand who could not pay this sum, were sold into slavery. After this very important conquest many towns, which had hitherto remained faithful to Carthage, submitted to the Roman arms, and among them the Greek Tyndaris and the old Phœnician Soloeis. But the vessels, which carried the rich booty to Rome, were taken by the Carthaginians.

The slow progress of the conquest of Sicily tempted the Romans once more to Africa. In the same year 493 (499) the consuls Cn. Servilius Cæpio and C. Sempronius Blæsus laid waste the Libyan coast with a fleet of two hundred and sixty ships, which no Punic one resisted. They remained on the coast of the Lesser Syrtis, the

[1074] Polybius, I. 38. 2.

[75] It seems as proconsuls in 493 (499).

richest district of Africa, which had been in the direct possession of the Carthaginians, and seems to have been cultivated by them to the highest degree. While this was laid waste by a barbarous enemy, the ignorance of the pilots brought the Roman fleet to the brink of destruction. In these dangerous gulfs there is a constant ebb and flow, and they are full of rocks and shallows: hence the Roman ships ran aground, and got afloat again on the return of the tide only by throwing overboard every thing heavy. Hereupon they fled from this coast: they reacht Panormus, and steered, a thing which seemed rash for these rowing vessels, across the open sea to the Italian coast. Here, off cape Palinurus, they were again surprised by a fearful storm; a hundred and fifty ships of war were wreckt, and the whole booty swallowed up by the waves. These repeated blows bent down the courage of the Romans: the senate decreed, that the fleet should not be restored again, but limited to sixty ships for the defense of the coast of Italy and the protection of the transports.

The Romans, after they had given up their fleet, nevertheless conquered Lipara, which resisted them so long as they could surround the small island with a navy: the conquest was the annihilation of this ancient Greek colony. Thermæ, which had risen upon the ruins of the ancient Himera, was also taken in the same year 494 (500), after being deserted by the inhabitants, whom the Pœnians had taken on board in the night.

The latter were now confined to the western corner of Sicily, but the Romans did not venture to attack them here. Ever since the defeat of Regulus their fear of the elephants could not be overcome, and the Roman armies during the year 495 (501) were often arrayed against the enemy in the territory of Selinus and Lilybæum, without accepting a battle. This overcame the backwardness of the Carthaginian general in venturing upon a decisive battle. The proconsul L. Cæcilius Metellus was encampt on the frontiers of the territory of Panormus, in order

to protect the harvest of the Roman subjects. The approach of the whole Punic army afforded hopes of offering him battle in a favorable position; and for this Metellus gave up the less important considerations. He abandoned the passes, and retreated as far as the walls of Panormus, close to which there was a fortified camp. Before the trenches of the camp light-armed troops were placed, provided with abundance of spears and missiles of every kind, and constantly supplied with fresh provisions. They were enjoined, if they could maintain themselves no longer, to retreat into the camp, and to make use of their weapons behind the palisades and from the top of the rampart[1076].

As soon as the engagement had begun, and the leaders pusht forward the elephants against the Roman camp, in order to decide the battle by them alone, the proconsul sent reinforcements to the lines incessantly, while he kept the remaining part of the army in the town ready to sally. The elephants chased the Roman light-armed troops into the camp: but while their leaders were driving them into the trenches, in order to storm the rampart, the Romans availed themselves of the moment to shower missiles upon them. Many fell, the rest fled in confusion. At this moment the gate was opened, and the Roman army appeared on the left flank of the Carthaginians. The defeat was instantly decided and was fearful. Many cast themselves into the sea, in order to swim to a Carthaginian squadron, which followed the movements of the army, and perisht in the waves. The number of the dead is stated at twenty thousand[77], and Metellus led thirteen of the enemy's generals behind his triumphal car. But this triumph was rendered most brilliant by a hundred and four elephants which had been taken: the Carthaginians had lost all of them, for the rest were killed. Those that had been taken, were driven about

[1076] Polybius, I. 40. 8. [77] Eutropius, II. 24.

in the Circus and then killed with spears, in order to deprive the people of their fear of them.

In the fifteenth campaign this was the third battle, which the Carthaginians and Romans had fought in Sicily, and though the war was prolonged for the whole of eight campaigns more, it still remained the last. In this respect, and in the circumstance that the war consisted almost entirely of a series of sieges slowly conducted in a narrow and limited country, this first Punic war resembled that of the Spanish one in the Netherlands. But it was not the less murderous, because pitcht battles were so extremely rare: many thousands perisht in the sea-fights, and far more still in the disasters by sea: diseases and famine were almost at home in the camps; for Sicily must as early as that time have been prepared for the most part for becoming that wilderness, in which, although the Hannibalian war completed the misery, it appears in the seventh century. This island was obliged, during nearly twenty-four years, to keep the armies and fleets of both parties, often upwards of two hundred thousand men, and the plunder of the Sicilian towns was the often renewed reward of the soldiers.

After the battle of Panormus the Carthaginians evacuated Selinus, whose inhabitants they conducted to Lilybæum. This town and Drepana were now the only places of importance, of which they still retained the possession, but both impregnable by their situation.

About this time the Carthaginians despatcht an embassy to Rome with proposals of peace, or at least for an exchange of prisoners: and with their own embassadors M. Regulus, who had now been a prisoner nearly five years. Few events in Roman history are more celebrated than this embassy and the martyrdom of Regulus, which have been sung by Roman poets and extolled by orators. Who does not know, that Regulus as a slave of the Carthaginians refused to enter the city: that he attended the deliberations of the senate with their sanction, and rejected

the exchange no less vehemently than the peace: that he confirmed the wavering fathers in their resolution: that he preferred his honour and his oath to all the enticements to remain behind: and that, in order to remove the temptations, he pretended that a slow poison had been administered him by Punic faithlessness, which would soon end his days, even if the senate less mindful of the country than of the individual, should wish to retain him by exchange or protection: how he withdrew from the embraces of his friends as a dishonoured man, and after his return to Carthage was put to death by diabolical tortures?

Palmerius was the first who attackt this account, after the Valesian extracts from Diodorus had become known, and his reasons have been strengthened by Beaufort with very appropriate ones besides: only the latter has perhaps carried his scepticism too far, in doubting and in reality rejecting the truth of the embassy on account of the silence of Polybius.

Neither of these writers has mentioned, which is of great importance, that Dion Cassius [1078] declared the martyrdom of Regulus to be a mere fable, although he repeated it. He also related [79], that, after Regulus had fallen into captivity, his sleep was at first disturbed, as he was kept shut up with an elephant, but that this cruelty did not last long. It may be accounted for and even pardoned, as Regulus forgot all human feelings towards Carthage, when it had fallen and implored his compassion: and it is not unlikely that this account may have given rise to the far more widely extended one respecting the mode of his death.

It is by far the most probable that the death of Regulus happened in the course of nature: and it is very possible, that the cruel maltreatment of the Punic prisoners, respecting whom it is certain even according to Roman testimonies, that they were surrendered to the

[1078] Zonaras, VIII. 15.

[79] Zonaras, VIII. 15.

family as hostages or for revenge has become the occasion of the prevailing narrative through that unpardonable calumny, which the Romans constantly indulged in against Carthage. It seems most credible, that Hasdrubal and Bostar were given as hostages, because Regulus actually believed, and the Romans shared his opinion, that he was secretly poisoned. But with an unbiast judgement we must regard the narrative of Diodorus [1080] respecting the perfectly inhuman fury of the family of Regulus against these innocent prisoners, no less doubtful than the Roman one; since it is quite certain, that no Roman recorded this disgrace of his nation, and here, as well as elsewhere, Philinus must be regarded as the source of Diodorus, whose hatred against Rome is very pardonable, but always renders his testimony highly suspicious.

For the rest, if this deed of Regulus had not been praised to us in early years as heroic, we should, I think, without prejudice, find it less brilliant. That he went back, because he had sworn, was an act which, if he had not done it, would have been branded with infamy. If he had reason to fear, it was a consequence of the shameful abuse which he himself had made of his victory, inasmuch as he knew how to use it only as a mere child of fortune, and in a way inferiour to most of the generals who were his contemporaries. Cn. Scipio was not injured, and, what is surprising, had been exchanged from captivity with so little dishonour, that he even obtained a second consulship. This circumstance, and the fact that three years afterwards, when the Romans were in a much more unfavorable position, the agreement was actually concluded, the prevention of which is made a merit of Regulus, render the logic of this heroism quite inexplicable, for the preponderance of the prisoners must, unless all accounts deceive us, have been beyond comparison in favour of the Romans, and the ransom would have been by no means unimportant to the

[1080] XXIV. Exc. 2.

exhausted treasury. The refusal of the peace was necessary according to the principles of Rome, since the senate had once declared the complete possession of Sicily to be the condition of the peace, and Carthage undoubtedly, just as in the negociations with Pyrrhus, still continued to insist upon the possession of Lilybæum, although she might likewise have offered now to pay on this condition a considerable sum as an indemnification for the expenses of the war.

The subsequent years of this war down to the victory which compelled the Carthaginians to accept a peace agreeable to the Romans, because their strength was entirely exhausted, because they carried on war less by national exertions than by money, are inglorious for Rome, full of misfortune and disgrace: and scarcely anywhere does the perseverance of the republic shine greater, than its staking its existence upon the attainment of an object, which to a superficial eye must have appeared more unattainable every year. One cannot deceive oneself, that these years must have been a time of unspeakable distress and suffering for the Romans and Italicans.

Lilybæum had been founded by the Pœnians after the destruction of Motye by the elder Dionysius,—which previously was the most important of the Phœnician colonies on the Sicilian coast,—as the capital of the Carthaginian province, and fortified with all the efforts which the art of fortification was then capable of. The ditch of the fortification measured ninety feet in breadth by sixty in depth, and the walls had resisted the siege of Pyrrhus. The navigable road at the entrance of the harbour, between sandbanks, was very complicated, and could not be discovered without an experienced pilot, as soon as the buoys were removed; and this secured to the town some communication with the sea, even when it was blockaded by a hostile fleet, which did not for this reason dare to approach very near.

Lilybæum was a considerable town, the citizens of

which were attacht to Carthage. Though it is stated in an account, which seems in general suspected of exaggeration in numbers, that the number of the besieged was sixty thousand armed men[1081], while one incomparably more trustworthy[82] estimates the number of the regular troops; without the armed inhabitants, at ten thousand, still we cannot, I think, estimate at fifty thousand the citizens capable of bearing arms, although increast by the inhabitants of other towns who had been brought thither by the Pœnians.

This town, probably still in the autumn of 496 (502), was blockaded by the consuls C. Atilius Regulus and L. Manlius Vulso with four legions and two hundred ships of war: for the victory of Panormus had so raised the courage of the Romans, that they had restored a fleet without delay. The legions and the allies formed an army of more than forty thousand men, and if we add to these the crews of the ships of war, most of whom undoubtedly took a share in forming the fortifications on the land, the number of a Roman army of a hundred and ten thousand men which is stated by Diodorus[83] may not be so much exaggerated; the collection of which on this extremely narrow promontory of the island must have made their misery quite intolerable, without even the destruction of the inhabitants being sufficient to satisfy their wants.

The Roman commanders now employed the machines, that were supplied by the mechanical art which was almost perfect at Syracuse in the time of the teachers of Archimedes, and the whole Greek system of besieging, which, formerly forein to them, had been develop from the rude beginnings of the infancy of this art, that had been possest by them in common with the Greeks centuries before. They enclosed the fortress from sea to sea with a strong line of fortifications; they advanced towards it with regular

[1081] Diodorus, Exc. XXIV. 1.

[82] Polybius, I. 42. 11.

[83] Exc. XXIV. 1.

approaches, and when they had establisht themselves on the counterscarp, they threw dams across the ditch: they bombarded the town with blocks of stone, and shook the walls with battering-rams, undermining them at the same time, and when they only rested upon scaffolds, they set these on fire and caused them to fall down. They blockt up the entrance of the harbour by sinking fifteen ships. Six towers had fallen down, and all were shaken by the Roman battering-rams. The venal mercenaries, to whose defense Carthage had entrusted her fortresses, negociated the sale of the fortress. A Greek disclosed the crime of the barbarians to the Carthaginian general Himilco, and he, without the power of punishing or threatening, could only purchase their fidelity by the promise of greater advantages. Here too Himilco showed the prudence, with which he had conducted the whole defense of the town. The siege of Lilybæum resembles that of Ostend in the mode of attack and defense, just as the means of defending both towns as maritime places are similar to one another. Here too the besiegers, when the principal wall lay in ruins, found a second, to destroy which they were obliged to set at work again all their means of attack.

A Carthaginian admiral, one of the many who appear in this war under the name of Hannibal, and the one who most approacht his greatness, undertook to throw troops and provisions into the town, in spite of the Roman fleet which was blockading Lilybæum. He chose fifty of the best galleys, and lay at anchor with these between the Ægadian islands in front of the harbour. Here he waited for a fresh breeze, and ran before it with full sails towards the harbour. The Roman fleet, however much superior in numbers, did not venture to accept the fight in these dangerous waters, which Hannibal offered, and the whole fleet ran into the harbour without any loss amid the joyous shouts of the inhabitants. The Punic generals found their soldiers ready to make a sally in this exultation of joy. But here, after an irregular and extremely bloody

fight, they were obliged to give up their intention of burning the Roman machines. Hannibal left the harbour in the same night with his ships of war, that he might not consume the provisions of the blockaded garrison, and joined the chief commander of the Punic forces, Adherbal, at Drepana, whither he had also brought the cavalry which was useless in the besieged town[1084]. The Roman generals continually lavisht their strength and the lives of their soldiers in fruitless works. The waves scorned the dams, with which they endeavoured to block up the harbour, and the perseverance of the besieged their progress: but the town would have been gradually destroyed, if they had been able to ward them off only with this defense. A single account speaks of one great storming, which was brilliantly repelled, and was followed by the destruction of the Roman works[85]. Polybius[86] speaks of this only as the prudent use of a favorable circumstance. A hurricane had risen from the sea, the wooden towers of the besiegers and the galleries trembled and shook. The besieged penetrated even into the Roman works; the fire quickly seized them and spread rapidly; all the scaffoldings and battering-rams were destroyed by the flames. After this misfortune the consuls confined themselves to keeping the town blockaded[87], and only continued their operations with the dams in order to conquer by hunger. But their own army suffered far more from hunger. Bread failed entirely, only meat could be distributed among the soldiers. In consequence of this epidemics broke out, of which ten thousand men died in a short time[88].

It cannot be doubted, that the time of this melancholy state of things was the summer of 497 (503). At Rome the greatest exertions were made to continue the siege.

[1084] Diodorus, Exc. XXIV. 1.

[85] Diodorus. Exc. XXIV. 1.

[86] 1. 48. 2. foll.

[87] N.B. One consular army was withdrawn according to Zonaras, VIII. (15).

[88] Diodorus, Exc. XXIV. 1.

The consul P. Claudius, the son of Appius the Blind, led the supplementary troops to Sicily.

The Roman people could not but curse the Claudians as citizens: as generals it owed them little respect: but P. Claudius completely forfeited his honour through his foolhardiness, together with the lives of thousands, which were in truth more than indifferent to him.

He thought it a brilliant undertaking, after he had manned again the Roman fleet, to surprise the Punic one in the harbour of Drepana. In vain did the auguries warn him: he ordered the cages of the prophetic hens to be thrown overboard: they were to drink if they wouldn't eat [1069].

The works of the Romans in front of the harbour of Lilybæum, although undertaken in vain as far as the immediate object went, were nevertheless designed with Roman greatness, and their consequences have conquered the elements. It is undoubtedly through them that the harbour of Lilybæum has been destroyed, and sandbanks formed upon their ruins. The harbour of Drepana has maintained itself in its original excellence. Adherbal was taken unawares, but not unprepared for a surprise. The Punic ships were immediately manned and made ready for sea. Adherbal was unwilling to let himself be attackt in the harbour: while the Roman ships were running into the wide harbour at the western entrance in a long line, he led his ships into the sea by the opposite coast. P. Claudius saw, that he had failed in his object and gave orders for a retreat. The orders were imperfectly understood: the ships which were leaving the interiour of the harbour, encountered among the rocks those of the last division, which were still sailing forwards, and the order of battle was formed with difficulty near the coast. Meanwhile Adherbal had already spread out his whole fleet, outflanked the Roman one, and cut off its retreat. The Carthaginians must have found out some mechanical means

[1069] Livy, Epitome XIX.

or a manœuvre for frustrating the effect of the Roman boarding-bridges; they dreaded them no longer. Their ships and their crews were skilled in evolutions, in which they were favored by the open sea: the Romans, prest upon the coast, had no room for movements, nor could they have been executed with their heavy ships, which were moreover half destroyed by long service. Only the left wing escaped, namely, thirty ships, and among them the admiral's ship of the consul: ninety-three were taken or destroyed. In this statement Polybius[1090] agrees with Livy[91]: the favorers of Carthage increast the number of the Roman fleet from 123 to 210 ships, and the loss to 117[92]. But in the number of those who perisht and were taken prisoners, the confession of the Romans, who acknowledge 8000 dead and 20,000 prisoners, exceeds the claims of the hostile historian, who stated the loss of the Romans, as it appears, only at 2000 in all. It was a very easy victory, but it seems incredible, that the Carthaginians should not have lost a single man and had only very few wounded[93].

The shame and grief at this defeat, which at once gave to the power of Carthage quite a decided preponderance in Sicily, broke out at Rome into the most vehement indignation against the presumptuous consul. The republic commanded him to appoint a dictator, and then to lay down his dignity immediately, and prepare to render an account. P. Claudius, to whom the weal and woe of the citizens were a mockery, satisfied that the republic would not perish even by several defeats, and consequently that his race too would not fall into danger, appointed out of scorn one of his servants dictator, a client of his house, the son of a freedman, M. Claudius Glycias. The republic did not endure the insolence, and deprived the unworthy man of the honour, which had been committed to him in

[1090] I. 51. 12.
[91] In Eutropius, II. 26.
[92] Diodorus, Exc. XXIV. 1.
[93] Diodorus, Exc. XXIV. 1.

mockery. It seems, that the old privilege of the senate to elect a dictator, and to prescribe to the consul the nomination, was renewed and applied in honour of A. Atilius Calatinus. Of him it is related, that he was informed of the appointment, while sowing his field as a plebeian farmer with his own hand, whence he received the surname of Serranus. If this tradition is well founded, it leads us to determine the time, and the defeat of Drepana would then fall about August in the year 497 (503).

Claudius was accused of high treason against the people: before the tribes, as it appears, and for a multa, not to be punisht capitally. According to the testimony of Polybius [1094] he was severely punisht: according to another account he was saved through the dissolution of the comitia by a tempest; since a trial that had once been broken up could not be renewed. He did not survive the disgrace long: it must have awakened him from his madness: and it is not improbable, that he, like several of his race, put an end to his own life.

At this time the issue of the war might have seemed quite hopeless, and the perseverance of the senate to be consuming the strength of the republic without any advantage. The pusillanimity of a senator, who ventured to recommend peace, was punisht in the curia by his instantaneous death.

If the Carthaginians had had equal perseverance; if they had, like the Romans, struggled for the victory with their own blood, it is not improbable that victory would still have declared for them in the end, however much of their strength they might hitherto have lavisht in vain. For the proportion in the skill of the commanders, which had previously been so decidedly in favour of Rome, had become changed to the very opposite. The Roman generals covered themselves with disgrace, the Punic ones acquired fame, even before Hamilcar obtained the rank which was due to his genius.

[1094] I. 52. 3.

They followed up the victory of Drepana with energetic activity. Hannibal took the Roman provision-ships from the harbour of Panormus, and sent them to Lilybæum: Carthalo with seventy ships of war destroyed or took the greatest part of the remains of the Roman fleet before this town. Adherbal landed on the coasts of Sicily and Italy.

C. Junius had meantime arrived with sixty ships of war near Messana, where the remaining Roman galleys had assembled. Here and at Syracuse a convoy of eight hundred ships was collected, in order to relieve the wants of the army which was still holding out at Lilybæum. These were so pressing, that, while he himself remained at Syracuse to receive the supplies from the interiour of the island, a detachment was sent out in advance under the protection of a part of the fleet, although the Carthaginians were masters of the sea. Carthalo awaited it with a superiour force, and the questors fled to the roadstead of Phintias. Here they protected themselves behind rocks, on which they erected catapults and machines for throwing stones; but Carthalo nevertheless succeeded in destroying a large number of transports and seventeen galleys. After this victory the Carthaginians went back into the Halycus, to wait for the arrival of the second division, which was commanded by the consul himself. He hesitated irresolutely, when he had joined the remains of the first. But when the Carthaginians shewed themselves, he too fled to the coast of Camarina between rocks, where the Punic admiral would not let his ships venture. Symptoms foreboding a storm appeared: the consul feared the elements less than the enemy, although tarrying on this coast was manifest destruction. Carthalo with great exertion doubled cape Pachynus, and found safety here when the storm broke forth. Of a hundred and five galleys only two were preserved: all the transports were dashi to pieces, and the destruction was so great that not a plank remained, which could be used. Still the greatest part

of the men saved their lives, and the consul Junius led them to the remainder of the army. He endeavoured to efface the impression of his misfortune by separate enterprises; but he only succeeded in taking the town of Eryx on the mountain of the same name above Drepana. He also was accused of having despised the auspices; and he withdrew himself from trial by a voluntary death.

The misfortunes of Rome were greater than the resources of the republic could recover from. The restoration of the fleet was renounced a second time, and Carthalo was suffered to appear on the coasts of Italy in 498 (504), and avenge the sufferings of Africa. Yet the Carthaginians embarkt again when the pretor marcht against them. A dangerous mutiny of the soldiers, who demanded the arrears of their pay, seems to have brought Carthage into danger about this time, and to have destroyed her most brilliant hopes.

Under these difficult circumstances Hamilcar was called to the supreme command of the Punic forces, who under the surname of Barca, and as the father of Hannibal, is known by all. The name Barca must not be taken as that of a house: such were forein to the Pœnians. It does not seem forced to explain it from cognate languages and eastern customs as *lightning*, just as the Romans call the Scipios, the enemies of Carthage, the lightnings of the war.

Hamilcar was a young man, not merely in the sense of antiquity, which extends the limits of youth up to years that we account among those of very mature manhood, when the supreme command of the army was entrusted to him by the government of his country, which had at last become convinced that it required extraordinary capacities as well as extraordinary means to carry on this war. It is probable that he was of the same age as his son, when he invaded Italy,—less than thirty years.

When he had undertaken the command of the army, he was obliged to tame the mutineers of which it consisted

by fearful discipline, before he could lead them against the enemy. He then sailed afresh against Italy, and plundered the coasts of Bruttium and Locris. In these years the Romans founded several colonies in the territory of Cære on the coast, in order to protect against ravages the country in the immediate vicinity of the capital. Having returned from Italy, Hamilcar landed near Panormus, while the Roman consuls were besieging Lilybæum and Drepana with separate armies, and made himself master of Mount Hercte. This mountain is so clearly described in Polybius that we cannot fail to recognise Monte Pellegrino, which rises as a steep rock from the plain in which the present capital of Sicily is built.

This rock, the surface of which at the top is stated by Polybius at 100 stadia, by modern travellers probably with greater precision at four miles, is accessible from the sea by a landing place, which formed a harbour for the ships of war of antiquity. On the land-side there were two approaches, so steep and difficult, that art rendered them invincible. The top is fruitful: and if it was quite insufficient for the wants of a numerous army, the latter was at least not obliged here to share its provisions with a body of citizens not less numerous than itself. From the harbour at the foot of the rock the Carthaginian ships undertook excursions as far as the frontier of Cumæ, and the position of the army in such a strong place in the rear of the Roman armies called back the greater part of the latter from the blockades of the maritime towns.

Here, at less than a mile's distance from one another, the armies of the hostile nations stood for three years, 499—502 (505—508), without fighting a battle; but in restless activity. Polybius says, with obvious truth[1095], that it is impossible to relate the history of these years, on account of their apparent uniformity and the countless host of indecisive and constantly renewed engagements:

[1095] I. 56. 11.

nevertheless these would have been indescribably worthy of notice through their adaptation to the circumstances, and the inexhaustible art of the Punic general. Hamilcar paralysed the whole power of the Romans, and while he confined them to this point, he himself let slip no opportunity for injuring them. The epitomisers of the history, who had no feeling for this great conduct of the war, are almost entirely silent about these years; but a solitary fragment allows us to infer, that Hamilcar ranged through Sicily by successful landings, as far as the territory of Catana[1096]. Hamilcar hoped that Rome would not again be able to create a fleet; he wisht to exhaust and wear her out, and in this war, where he was secured against a defeat, gradually to form and discipline an army, with which he might beat the Romans in the field.

It is not clear to me why he did not remain entirely faithful to this plan; for the undertaking against the town of Eryx is an evident deviation from it.

Mount Eryx. Third Roman fleet 504 (510). Loans to the state. 1, ½, ⅓ shares in building and equipping a pentere. Earlier privateer-fleets of the Romans. Model.

200 penteres: Polybius. 300: Orosius, Eutropius.

Siege of Drepana. C. Lutatius wounded. Q. Valerius pretor. Hanno's plan.—High sea on the morning of the battle, the wind favorable to the Carthaginians.

Neglect of the Carthaginian navy.

Polybius: 50 Carthaginian ships destroyed: 70 taken: 10,000 prisoners.

Orosius, Eutropius: 125 Carthaginian ships destroyed: 63 taken: 32,000 prisoners: 14,000 dead.

Diodorus: 117 ships lost, 20 of them taken: 6000 prisoners.

30 Roman ships entirely lost: 50 injured.

[1096] Diodorus, Exc. XXIV. 2. εἰς τὸν Λόγγωνα, Κατάνης φρούριον ὑπῆρχε, καλούμενον Ἰτάλιον· ὅπερ πολεμήσας Βάρκας ὁ Καρχηδόνιος.....

Hamilcar negociates peace, hostages, provisions, contribution previous to the negociation.

Preliminary treaty, on the faith of which Hamilcar evacuates Sicily. Contribution. Evacuation. Prisoners and deserters.

Additions of the Roman people in the final treaty: sum of money: exclusion of the Punic fleets and enlistment of troops.

The first Punic war remained unequaled in the later history of Rome on account of the greatness of the exertions and the sacrifices which the perseverance of the republic demanded. The Hannibalian war, it is true, was far more destructive for Italy: but the exhaustion, which the former left behind, cannot have been less, especially since the conquered nations could not at all have recovered at its outbreak from the devastation which had preceded their conquest.

Even in the first years of the war the republic had been obliged to coin bad money, by which the ases were reduced to one sixth of their weight. Since the examination of different ases has shewn, that several successive diminutions of the standard had taken place between those of full weight and these lighter ones, it is doubtful whether these had already commenced at an earlier time, or whether the first reduction was made in the year stated by Pliny, and the subsequent ones in the later years of the war. This measure or its repetitions injured first of all the situation of the soldier in a foreign country, where the Roman copper-coin could have no certain value with respect to the currency circulating there: it did not yet produce, according to recorded information, any scarcity at Rome; because commerce and exportation were quite at a standstill; and it therefore had not for the moment that influence upon the relation of debtor and creditor, which it would have had, if the change in the coinage had taken place for the sake of private persons. But its immediate consequence was the introduction of silver-

money as a currency, which the Punic contributions assisted not a little.

However much may have been furnisht by the allies, however much Sicily may have been stript of every kind of property at the close of the war; nevertheless the exertions, which the Roman people had to make on its own part, were certainly immense. It must have been scarcely possible to raise the repeated property-taxes, and nevertheless they cannot have been sufficient to cover the expenses. The republic must have sought a part of its resources in the sale of domain lands, as it did in the Hannibalian and Marsian wars, and we require no historical statements in order to understand, how fortunes and the distribution of property must have been changed to an extraordinary extent in both ways, especially considering the ancient habits which cling to the preservation of landed property.

The diminution of the old population of the nation had necessarily a still greater effect. In the second year of the war the census gave 292,224 citizens: about the eighteenth only 251,222. This diminution is indeed smaller than one would have expected after those murderous years: but it allows us to infer an incomparably greater diminution of the genuine stock of the nation. The nation was eleven thousand citizens less numerous than towards the end of the third Samnite war, although since then the Sabines and perhaps other districts also had received the franchise. It made up its numbers by freedmen, and probably as early as that time by allies, who chose the franchise with a part of their families; and what thus filled the number of the Roman census, weakened the strength of the rest of Italy.

Such costly blood did not flow in the Carthaginian armies: their soldiers were with few exceptions barbarous subjects or mercenaries. The war became more costly for Carthage by the bounty-money and the high pay which these hosts required, and by a far smaller part of Sicily being open to their exactions. It appears that they im-

posed upon their subjects as much as possible of the burthen, since they doubled the taxes that had to be paid in money, and raised the contributions of corn to the second bushel. Africa suffered more from the Roman campaign than Italy from any incursion of the Pœnians, but the latter were repeated much more frequently than those of the Romans upon the hostile coast.

It is exceedingly remarkable, that they produced no commotions among the Italicans, who had struggled so furiously against the yoke of the Roman dominion. The conspiracy of the Samnites is the only one that is spoken of, and the presence of both consuls in Sicily or in the fleet allows us to infer with certainty, that they were not disturbed by any rebellions. It seems that Rome had firmly establisht by hostages, garrisons and terrours an inextinguishable habit of fear, which resisted all temptations. The longer the Italicans obeyed, the more familiar did it become to them to connect their honour individually with that of Rome; the more of them were rewarded and distinguisht, and the more they longed for an end of the exhausting war, the quieter became their obedience; and their troops in the Roman camps, or those whom the will of Rome had changed from peasants and shepherds into sailors, were so many hostages for their fidelity.

Rome had lost seven hundred galleys in this war, Carthage five hundred: and it is certainly much too low a calculation when we suppose, that far more than a hundred thousand men were lost with these ships, in those who were killed and drowned, and the prisoners that never saw their country again. An incomparably larger number perisht in the battles, by hunger and by epidemics.

It is a piece of philosophical raisonnement, the correctness of which is decidedly contradicted by a true knowledge of history, that the value of a conquest is never equal to the price of its cost and the loss of men calculated as national property. The former may be true in regard to the prosperity of the citizens of the conquering state, if

the burthen of taxation and the corresponding diminution of property are considerable: the latter is false, if the nation remains flourishing, and the prosperous condition, which has been gained by conquests, not only of commerce but of the national power and importance gives it a life, by which the diminisht population easily raises itself even much higher than it could have attained without this transitory expenditure. Sicily however was an acquisition, which promist to compensate for great sacrifices, considering the condition in which the island was, when the Roman legions first crost over: wretched, barren and drained as it was, when surrendered to Rome, it certainly rewarded them in no wise. Satisfied with the dominion of Italy the genuine Roman people would have remained happier, nobler and pure. But as Carthage at the same time rose to the dominion of the west in an age in which great empires sprung up every where, Rome may be blamed the less for having undertaken a struggle which did not yield immediate rewards, but which was unavoidable after some time: although without this Roman war Hamilcar's genius would perhaps not have been awakened, nor descended to Hannibal.

The Italian nations[1097], even setting aside the Latins, stood by no means in an equal relation to Rome: an Italian law peculiar and distinct, is a dream of the moderns. Some states had an alliance, by which they, as far as form goes, did not in the least degree bow before the supremacy of Rome: others enjoyed a free alliance, although dependent: many were undisguisedly subject to the republic. Still these had their arms gradually restored to them, and about this time, and down to the Hannibalian war, all Italian nations, as it appears, without distinction of race or language, were in equal relations as allies, and bound to military service. They paid no taxes to the republic, unless it were, that tolls and

[1097] Compare above, p. 457, note, 998.

excise-dues were levied in some subject towns, as was afterwards the case in many places, which had lost their freedom by rebellion and become altogether a domain of the state. They were free from the land-tax; but for this the soverain republic had satisfied itself by confiscating a portion of the territory of those whose resistance was punisht most severely. It was determined either by treaty or a fundamental law, how many troops each people and each town had to send, and these had to be sent, armed and paid at their own expense, perhaps also provided for: the last however is doubtful, and it may be, that Rome bore the providing for them as her own burthen.

Sicily was quite a separate country, inhabited by Greeks, who were completely forein to the Romans and despised by them in war, as indeed their tactic and arms also made them useless as auxiliaries. The republic resolved to adopt quite another system for the Siculians, and in the alternative which existed, according to Roman principles, between military service and the payment of tribute, to constitute their island into a province.

The meaning of the name, which was first given to Sicily, is explained by a forced and strikingly suspicious etymology. The word *uncia* alone resembles it in form, where the *c* likewise does not belong to the root. It seems a simple plan to me, to recognise in it only another form of the word *proventus*; it is used by Cicero in the sense of *πρόσοδος*, and parallel to *vectigal*: consequently taxable property of the state. For this is just the character of a Roman province, that, as a rule, it is not even authorised to have arms but renders service to the soverain state by finances exclusively: if the provincials are armed under extraordinary circumstances, they appear not as allies but as auxiliary troops.

Within the natural boundaries of a province however there were also allied states, and others which were recognised as free and were not liable to tribute, but still were

not subject perhaps to military service beyond these boundaries. This exemption was based on the republic also demanding extraordinary services of them, and on their being under the immediate authority of a governour, while the allies of Italy only recognised the senate over them.

Thus Hiero and the kingdom of Syracuse were in alliance with Rome. When the fifteen years of the first treaty of alliance had elapst, the republic exempted him, on account of his faithful exertions, from the tribute which he had paid hitherto every year, probably twenty-five talents. After the peace this good prince ruled his small state with a mildness and wisdom, which caused the ancient prosperity to revive again, and in the midst of the general affluence the treasury of the prince was rich for brilliant and noble expenditure; Hiero became the benefactor of all the Greeks, and his presents to the Roman people were kingly. Although he was only nominally a soverain, he secured for his subjects a happiness which the neighbouring provincials must have envied with sorrow; he shewed that a native government even under the irresistible sceptre of Rome was still able and bound to preserve for its citizens many benefits.

Besides Syracuse the republic of the accurst Mamertines and the Greek Tauromenium, worthy of esteem, also existed as allied states. Segesta, Centoripa, Halæsa, Halicyæ, and Panormus were free and exempt from tribute: an arrangement, which is surprising, if it did not originally comprehend several and perhaps different places, and was perhaps not decidedly establisht till after the Hannibalian or even the servile war, because among these places, along with the Trojan Segesta, Panormus too is mentioned, which was taken by force and depopulated. Of the districts, which had become Roman domain by the right of conquest, a part was given to Segesta, which received the assistance of Rome as a kindred town, since it must from its situation have suffered extraordinarily in this war.

Other districts also may have been given away: it seems, that the senate wisht as little for an occupation of the domains by Roman citizens, and their settlements upon them, as the possibility of an assignment beyond the frontiers of Italy: a wise view of the case. Consequently whatever was not given away, was restored to the towns, in which the ancient inhabitants assembled again, when they returned from slavery or from forein countries. Still they were, as is self-evident, liable to tribute, and the produce of their tribute was sold at Rome by the censors to the farmers-general, just as in the case of Italy. The landed property of the other Sicilian towns, which had to pay tithes, is expressly distinguisht in Cicero from this which was by far the smaller part of the Sicilian lands. Tithes were not only paid for corn but also for olives and other fruits. The Romans adopted for this purpose the arrangement according to which Hiero raised the same tax as a land-tax in his kingdom.

In the subject towns excise dues and tolls were introduced for the benefit of the Roman republic, and, as it appears, fixt, changed and let not by the pretor, but by the censors at Rome.

The above difference between the domain and the titheable lands shews incontestably, that the latter, even according to the formal view of the Roman republic, were private property which even the state respected, while it dismist the possessor of domain lands, whenever the interest of the state seemed to demand or justify it. It certainly was not property according to the Roman law, and being tributary it differed from all Italian lands, both before and after the franchise had become general, by the circumstance that property and land-tax were incompatible in Italy.—Just as the Latins, and without doubt all the conquered nations of Italy, which consisted of a number of communities, were not only forbidden at their subjugation to hold any national assemblies, but also lost the right of acquiring landed property beyond their respective commu-

nities, so it was in Sicily: some favored towns here and there, which had the privilege of acquiring property in foreign districts such as Centoripa, found herein a source of wealth, and their citizens spread over the whole island. Other towns decayed so much, that all their territories were in the possession of such strangers, and that their own citizens did not possess a clod. This separation was necessarily a source of general decay. It enricht Roman speculators by reducing the price of pieces of land for sale; for these persons might purchase land anywhere, and among themselves their estates had a far higher value, than those which were in the hands of unprivileged Sicu-lians, had for the latter. The number of landowners in Sicilian towns in the days of Cicero is fearfully small.

The constitution of the separate towns was determined by the Romans, partly at the establishment of a province, partly at other times; and for subject towns it seems to have been almost entirely uniform, dead and deadening, as an empty form forced upon them. Among Greeks, which all the Siculians had then become, the Romans found no kind of nobility. They were however every where hostile to democracy, and therefore introduced an oligarchy according to the census. Hence the censors in Sicily. In every town there was a council, and also a popular assembly, but the administration, so far as any subjects were left to it, belonged to the former.

In the year after the peace, 506 (512), the consul Q. Lutatius regulated the province of Sicily, and drew up its constitution. At this time all the subjects were disarmed; afterwards an honorable exception seems to have been made for seventeen towns.

For some years the people had elected two pretors annually, of whom one was a military commander; and it appears that the necessity of keeping a reserve army in Italy in order to prevent the enemy landing, as the coasts were no longer protected by a fleet, occasioned this change rather than that a pretor for strangers should have been

appointed as early as that time. If one supposes that the second pretor had this jurisdiction in the city as early as that time, one would also be obliged to suppose that, so long as the number of pretors was not yet increast to four, Sicily was not administered by a pretor as governour, which is not probable. For a governour was indispensable for a country under this constitution, however severely most governours may have increast the pressure of the constitution by their personal acts.

The pretor was supreme commander of the whole military force, so long as garrisons of the fortified places were deemed necessary in the province, which was nearly subdued or still in a state of fermentation.

The police of the whole province was in his hands: his regulations were carried into effect without contradiction, and accusations could be brought against him only for what he had done. He had jurisdiction over the Romans residing in the province: they were convoked during his circuits, and then the pretor nominated from their number the judges in cases between Roman citizens. In the legal matters of the Siculians who were citizens of one town, judgement was pronounced by their own magistrates; between citizens of different towns the pretor decided: if a Roman had a civil action against a Siculian, the native magistrate likewise pronounced sentence; in the opposite case however the Siculian was obliged to seek his right before the pretor: a charge made by a citizen against his own town, or by the latter against the former, was transferred to the senate of another town.

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Aurelius Victor, the work De Viris Illustribus, attributed to him, is, according to the just remark of Borghesi, compiled from inscriptions upon statues, iii. *n.* 122.

Auruncans, under this name the Volscians are mentioned in their invasion of Latium, i. 69, ii. *n.* 189. Campania is named as their native country. The war against them about Cora and Pometia may be found in Livy twice, even thrice, 93. Conquered in 405 by the united Romans and Latins, iii. 87, foll. United with Latium against Rome in the year 409, iii. 129. Submit to Rome, but are made war upon by the Sidicinians, 172, foll. They had more than one town, *n.* 306.

Auruncian war of 251 and 252, and the Volscian of 259 are the same, i. 555, foll.

Auruni, original form of the name of the Ausonians, hence Aurunci, i. 69.
Ausona, a town of the Ausonians on the Liris, taken by the Romans by treachery, iii. 233, foll.
Ausonia, with the Alexandrine writers the south of Italy, with Apollonius the whole coast of Italy on the lower sea, i. 23. Used for the whole of Italy by later Greek poets, *n.* 50.
Ausonian Islands, of the Orphic Argonautics, i. *n.* 50. Ausonian language, volgare, *n.* 50.
Ausonians, a branch of the Opican nation, according to Aristotle, i. 64, foll. They and the Opicans are according to Antiochus the same people; but Polybius erroneously considers them as different, 65; and Strabo also, 66. When Livy mentions them he is following a Greek writer, and would otherwise have called them Aurunci, 69.
Ausonians of Cales, canton of the Auruncans, allied with the Sidicinians, while the remaining Auruncans are made war upon by them, iii. 172, foll. About the mouth of the Liris, revolt against Rome after the battle of Lautulæ, 230; but at first not quite openly, 238. Hereupon they are entirely annihilated, 234.
Auspices, different on Roman and on foreign ground: rule as to their repetition, iii. 193. Remained in the new comitia of the centuries different from what they were in the assemblies of the tribes, 341. Even at an early time they are a political instrument for checking the popular power, 342, 352. The belief in them became wavering at a very early time, 392.
Αὐτουργοί, i. *n.* 497.
Aventine, the tomb of Tatius there, i. 232. A plebeian city on it founded by Ancus, 411. Its fortified situation, outside the Pomerium, ii. 302. Is not included by Varro in his description of the city, *n.* 689. According to the most ancient tradition Romulus took the auspices there and not on the Palatine, i. *n.* 618. Cannot have been evacuated during the secession, ii. *n.* 780.

BARBARIANS have often gained victories by generalship, and not always by rude impetuosity, ii. *n.* 1191.
Barberini library, its treasures were scattered about in the eighteenth century, iii. *n.* 466.
Barca, not a family name, but probably a personal surname: signifies lightning, iii. 609.
Battle of Caudium, proved from testimonies and the connexion of the occurrences, iii. 212, foll. Second battle near Caudium, in 434; unfortunate for the Samnites, 234. Near Sentinum explained, 382, foll. Without a name, which decides the third Samnite war, 399. Near Heraclea, 476, foll. Near Asculum, 503. The date of the battle of the Sagra ascertained, *n.* 906. Near Beneventum, 519, foll. Near Ecnomus, 583, foll. Near Panormus, 596, foll.
Bayle, his superficial scepticism in Roman history, i. preface, vii.
Beaufort's merits and deficiencies, i. preface, vii. His critical examination of the war with Porsenna very successful, i. *n.* 1216. Has finally settled the question of Camillus's victory over the Gauls, ii. 551. Was the first to unmask the falsehood of the story about the motives of C. Licinius Stolo, iii. 2. Unjustly rejects the embassy of Regulus altogether, 599.
Belgians, under other names Cimbrians, or Cymry, called Galatians by Posidonius, ii. 523. Migrated into Gaul across the Rhine; once inhabited the countries as far as the Loire; afterwards again driven back by the Gauls; relationship to the latter, and difference between them, 525.
Bellona, Appius Claudius dedicates a temple to her, iii. 371.
Bellovesus and Sigovesus, Gallic tradition of their expedition, ii. 517.
Beneventum, battle of, iii. 519, foll. Is occupied by a colony in 478, iii. 544.
Berenice, Queen of Egypt, protects Pyrrhus, iii. 458.
Biceps and *triceps*, twofold and threefold, ii. *n.* 107.
Bits of the Roman horses, how it is to be understood that they sometimes took the bits from their horses before the battle began, iii. 194, *n.* 340.
Blindness may have excluded a man from courts of justice, but scarcely from the senate, iii. *n.* 852.
Boarding-bridges described, iii. 577, foll. Their effects rendered harm-

less in some way by the Carthaginians, 606.
Bostar, general of the Carthaginians against Regulus, iii. 587. Was probably surrendered to the Romans as a hostage; but the account of his cruel death deserves little credit, 600.
Bottiæans are, according to all appearance, Pelasgians, i. 32. Said to have originated from the Messapians, 149.
Bovianum, in the country of the Pentrians, the richest town in Samnium, is taken by the Romans in 437, iii. 242. Then repeatedly evacuated and and taken again, 242. And the last time in 442, concerning which the accounts differ, 257. In the first campaign of the third Samnite war it was taken by Cn. Fulvius, 361.
Brass, its abundance and ordinary use in ancient Rome, i. 459. Its cheapness, 459. Hence ases of full weight are to be considered as one-tenth of a silver drachma, 461. Rise of the price of the metal; its causes and consequences, 462, foll.
Bravery, rewards of, among the Romans, iii. 122, foll.
Bridge, the, of Curius across the canal of Terni cannot be seen now without difficulty, iii. 415, foll.
Bogud, Carthaginian captain, makes the consul Cornelius Asina his prisoner, iii. 577.
Boians rise in 463 to avenge the defeat of the Senonians, iii. 429. Completely defeated near lake Vadimo, 429, foll.; and again in the year following by Q. Æmilius, whereupon they conclude peace, 430.
Bolæ, taken, ii. 464. An Æquian state, *n.* 1023. Demand that the conquered district shall be divided among the legion, 435. Consequences of its being refused, 436. Besieged by the Æquians, and relieved, 585. Was at that period perhaps a Roman colony, *n.* 1280.
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Bookkeeping by double entry, known to the Romans, ii. *n.* 1319.
Bovillæ and Lavinium may have been given back in return for the evacuation of Antium, ii. 260.
Britain, its original inhabitants were Gauls, ii. 552.
Britomaris, chief of the Gauls, who instigated them to murder the Roman embassadors, iii. 428.
Brongus, the river Save, ii. 515.
Brundusium, does not belong to the Messapians, i. 148; but to the Calabrians, 147. Important for the communication with Epirus, iii. 166. After the war with Pyrrhus it received a Roman garrison, 545.
Brunichius, a Goth, ii. *n.* 134.
Brutates, i. *n.* 307.
Bruti, were plebeians, i. 522. Their family was traced to Lucius Brutus, 523.
Bruttians, spoke Greek, i. 61. Were the revolted Œnotrian serfs mixt with Oscans, 63. The name signifies revolted serfs, 61. Was in use for such insurgents even before the origin of the nation:—their formation into a state, 97, from different people, principally from Œnotrians:—many Greek cities laid waste by them, 98. By their insurrection the Lucanians are separated from the southern Italietes, iii. 160, foll. Alexander of Epirus makes war upon them, 167. Their power increases as that of the Lucanians sinks, 168. Pay homage to Alexander the Great at Babylon, 168, foll. After the death of Agathocles they form an alliance with Carthage, 435. Defeated by C. Fabricius near Thurii, 437, foll. Are subdued by Sp. Carvilius and C. Papirius, 524.
Bruttus, the invented father of the Bruttian race, i. 98.
Bulla and Prætexta for boys, i. 359.
Burgrechte, in the later history of Switzerland, were nothing but alliances, ii. *n.* 153.
Busta gallica, ii. n. 1209.
Buxentum, after the Samnite war in the possession of the Campanians, iii. 259, n. 208. Campanian colony, in order to keep the Picentinians in obedience, 544.
Bygoe, her sortes, i. 507.

CACUS, his den said to have been in the Aventine. Shews hospitality to Heracles, according to Diodorus, i. *n.* 274.
Cæcilii, their relation to Cæculus, the founder of Præneste, i. 378.
L. Cæcilius Metellus, is sent in 463 as pretor, to the relief of Arretium, and is killed with his whole army, iii. 427.

L. Cæcilius Metellus, proconsul in 495, gains the battle of Panormus by his caution and skill, iii. 597.
Cæcina, his Etruscan history, i. 12.
M. Cædicius, legend of the voice which he heard, ii. 533. When? *n.* 1175. Is the same who held the command at Veii, *n.* 1175; and there routed the Etruscans, 547.
Cæles Vibenna in the Etruscan tradition, i. 382, differs from the Roman tradition, 382. Here and there a Condottieri. Must be supposed to be the Lucumo under Romulus, 383. Also the Lucumo Tarquinius, 383.
Cælius, by no means Cœlius, i. *n.* 926.
Cælius, the name is found as early as Romulus, connected with the city on the Palatine, i. 297; but Tullus Hostilius is considered as its real founder, 297. Various statements about the growth of the town upon it, 350.
Cære, reasons for supposing a close connexion between this city and the Romans, which, however, do not amount to positive proof, i. 385, foll. The taking of it by the Etruscans does by no means fall in a very early period, 385. Chastised because suspected of having taken part in the war of the Tarquinians, iii. 85. In the course of the fifth century it became a prefecture, 404, foll.
Cærite tables contained besides the names of all citizens from sympolite places, likewise those of Romans who had incurred ἀτιμία:—they were not the register of citizens of isopolite places, ii. 67.
Cærites, degraded from the first to the second Municipium, ii. 65. They are said to have routed the Gauls, 554.
Calabrians, Messapians in a narrower sense and Brentesines, i. 147, foll.
Calatia, an Oscan place, dependent on Capua, iii. 112. Taken by the Romans in 435, iii. 236. Reconquered by the Samnites, 253.
Calavii, the two, heads of the party at Capua, which was hostile to Rome. Their voluntary death, iii. 232.
Calendar of the dies fasti made public by Cn. Flavius, iii. 315.
Cales, a town of the Ausonians, taken and colonised by the Romans in 415, iii. 173. First Latin colony after the new relations between Rome and Latium, 173.
Callias about the union of the Trojans with the Aborigines, i. 184.
Calliphana, a Greek priestess invited from Velia to Rome, iii. 309.
M. Calpurnius Flamma, tribune, saves the Roman army in 488, in Sicily, iii. 581, foll.
Calumnies, unjust ones of the enemies of Rome, in the historians, ii. *n.* 562.
Camarina opens in 487 its gates to Hamilcar, iii. 580. Is taken by the Romans in 488, iii. 582.
Camerinum not to be confounded with Clusium, iii. *n.* 637. A legion is cut down there in 451 by the Gauls, 378.
Camertians conclude an advantageous treaty with Rome, iii. 281.
Camillus, see Furius.
Camp, the Romans did not learn from Pyrrhus the art of forming a camp, iii. *n.* 925.
Campania was at one time a name of Epirus, i. 73, foll.
Campanian, the name is not limited to the town of Capua, iii. 111, foll.
Campanian Knights obtain the Roman franchise, iii. 139.
Campanian Legion, the eighth in the Roman army, iii. 464. Sent to Rhegium, 476. Take possession of the town by treason and ally themselves with the Mamertines at Messana, 480. Provoke the vengeance of the Romans by hostilities. 540. Bloody punishment is inflicted on them, 541.
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Campanian nation, how and when it arose, i. 93.
Campanians, their number, ii. *n.* 145. Allies of the Latins in the year 409, iii. 128. Surrendered their town to the Romans after the battle of Vesuvius, 137. Are obliged to pay to their knights a pension of 450 denarii, 139.
Campestre, ii. *n.* 607.
Campi Chaonii, i. *n.* 234.
Campsare, to draw bills of exchange, ii. *n.* 1319.
Campus mentioned as soverain at Capua and among the Chaonians, i. 74.
Campus Martius cannot possibly have been the property of Tarratia in its whole extent, i. 529.
Campus Minor, or Cælimontanus, ii. *n.* 608. Mistaken for the campus Martius, *n.* 827.

Campylids, the house of Campus, i. *n.* 234.
Camunians of Rætian origin, i. 113.
Canal on the Appian road through the Pomptine marsh, iii. 305.
Cannæ, battle of, can scarcely be conceived of in the summer in Apulia, iii. *n.* 344.
Canuleian bill upon the connubium, ii. 384.
Canusium, formerly great:—Greek and Oscan in use there, i. 154. Submits to Rome in 431, iii. 226.
Capena, a colony of Veii, i. 120. Must have been at a greater distance from Rome than Nepete, ii. *n.* 1044. After 365 seems to have become entirely Roman, 575.
Capenates, they obtain peace probably by submission, ii. 491:—and Faliscans relieve Veii in 353, 473. Their country laid waste in 355; unsuccessful attempt to relieve them in 356:—fresh devastations of their country:—unsuccessful expedition of the Romans in 359, 473, foll.
Capita, assignments of pay which answer to *caput*, ii. *n.* 967.
Capital punishment, the tribunes could only inflict by slaying a person with their own hands, ii. *n.* 1340. *More majorum* is scourging and beheading, *n.* 372, *n.* 1341.
Capital offenses are tried in the time of Polybius by the tribes, iii. 337, *n.* 557.
Capitis causa, that which led to a *deminutio capitis*; hence it is *addictio* and *possessio bonorum debitoris*, i. 577.
Capitis deminutio, its former great extent in the register of the censors, i. *n.* 1280, ii. 409.
Capitol, taken by Herdonius, ii. 293; doubtless by treason, 294. Retaken, 296. Capitol and Citadel garrisoned by a thousand armed men, 545. Scaled by the Gauls, but saved by Manlius, 547, foll. Famine there; was ransomed, 549.
Capitoline Fasti, set up under Augustus, iii. 26.
Capitoline Hill, no plebeian was ever permitted to reside on it, therefore it was not in a plebeian region, ii. *n.* 1342. After the sentence against Manlius no patrician either, 614.
Capitoline Temple, its erection, i. 490. Dedication by M. Horatius, 500. According to the most ancient tradition it was vowed by the first Tarquinius and built by the second out of the booty either of Apiolæ or Suessa, 500, foll. Locality and proportions of it; its style and splendour, 501, foll.
Capua receives *Ἰταλικοί* from the Samnites, i. 93, who overpower the original inhabitants, 93. Exercises hegemony in the district, 93. Capua and Campania, not Etruscan but Tyrrhenian, 73. Capua and Nola built by the Tuscans; when? 73, foll. The pretended plot of the mutinous Roman legions against it, iii. 63, is undoubtedly invented, 73. Its internal condition; discord between the populus and the plebs at the beginning of the first Samnite war, 109, foll. Its demoralised state together with a high cultivation of the arts, 111. Conquered by the Samnites, it seeks the protection of the Romans, 114, more correctly speaking, of the allied Romans and Latins, 115; but does not become subject to Rome, 116. Abandoned by Rome it enters into an alliance with Latium, 128. After the Latin war it obtains the right of a Roman municipium, 144. After the battle of Luceria it is faithless to the Romans, 230, 291. Is restored to its former relation on fair terms, 232. Receives a share in the Roman booty, 249. Receives prefects from Rome, and a pretor regulates its laws, 289. *n.* 494, probably for the Roman citizens who sojourned there in great numbers, 290. The noble families of Capua are variously connected with Roman ones by intermarriages, 291. Furnishes occasion for the endless investigations concerning plots and conspiracies in the year 432, 292.
Caput, a title in the censorian register—every disadvantageous change in circumstances entered there, is a *deminutio capitis*, i. *n.* 1280.
Carbina in Messapia, i. 149.
Cardo, limes from South to North, ii. 628. Maximus, 629.
Caricenians, a Samnite tribe, whose castle held out long in the last war, iii. 542.
Carinæ, their situation, i. *n.* 935. Their mound, 391. A borough there, 288.

Carmental gate, its situation, ii. *n.* 444. The arch on the right hand was never past, since it was unholy, 196.
Carseoli not in the country of the Marsians, iii. *n.* 469; but in that of the Æquians, and was occupied by a colony in the year 447 or 448, 266.
Carthage, council of the Hundred and Four, how their number was fixt, i. *n.* 851. Its first treaty with the Romans, 533. Its building; at what period placed by Timæus, 272. Its attention directed towards Athens, ii. *n.* 705. In the year 402 renews the ancient treaty with Rome, iii. 86, foll. Concludes a defensive alliance with Rome during the war with Pyrrhus, 506, with the right of mutual interference, 540.
Carthaginian fleet appears before Ostia, iii. 506. Is dismist by the Romans without being used, 506.
Carthaginian generals in Sicily endeavour to protect Tarentum against Rome, iii. 538.
Carthaginians endeavour to gain Messana, iii. 562. Protect themselves by cruel severity and fraud against their Italian auxiliaries, 566. Defeated by the Romans near Messana, 567, foll. Reinforce themselves by great levies, 570. Their generals previous to Hamilcar are insignificant and are constantly changed, 574. Their armies are in want of pay, 574. Ravage the coasts of Italy and Sicily, 575. In the year 486 they are defeated at sea by Duilius, 578, foll. Conquered by Regulus in Africa through the inability of their commanders, 587. They defeat him completely under the command of Xanthippus, 590, foll. After this they lose a great sea-fight, 592. Are encouraged by the shipwreck of the large Roman fleet, 594. Are completely defeated by Cæcilius near Panormus, 597. Send embassadors for peace, together with Regulus, to Rome, 598. Their prisoners cruelly treated at Rome; but the account of the affair is very doubtful, 599, foll. Towards the end of the war their generals distinguish themselves, 607. They kept only mercenaries, 613.
Carthalo, Punic admiral, conquers a Roman fleet, iii. 608. Destroys a part of another, 608. Ravages the coasts of Italy, 609.
Carventum, its situation, ii. *n.* 21. In the power of the Æquians, 259.
Carventum, citadel of, ii. 465.
Sp. Carvilius, obtained the surname Maximus, iii. *n.* 589. Consul with Papirius Carbo in 453 and in 474, to conclude the Samnite wars, 390, 524. Conquers Amiternum, 392. Supports the victory of Papirius over the devoted army of the Samnites, 393. According to Pliny he himself gains the victory, *n.* 663. Is defeated by the Samnites near Herculaneum, 395; but victorious again, he celebrates a brilliant triumph, 396. Erects a colossal statue of Jupiter on the Capitol, and a smaller one of himself, 396, probably as consul of the year 458, *n.* 727.
Sp. Carvilius Ruga, is, by a mistake, called the first who divorced his wife at Rome, iii. 355.
Cascade delle Marmore, or of Terni: its origin, iii. 415.
Casci, were Aborigines, i. *n.* 247.
Casilinum, dependent on Capua, iii. 112.
Casinum on the Latin road, receives in 436, a Roman colony, iii. 239.
Cassander expelled Pyrrhus, whom he hated, from his kingdom, iii. 457, foll.
Cassii, after the consul, all plebeians; they were either excluded, or went over voluntarily, ii. 173.
Cassius Hemina places the foundation of Rome in the same year as Ennius, i. 271. At what period he wrote, ii. 8.
Sp. Cassius, according to the account of the execution of the nine tribunes, must have been a descendant of the consul, ii. 414.
Sp. Cassius concluded the peace with the Sabines, and the treaties with the Latins and Hernicans, i. 561. During his first consulship the lesser houses had their share in the imperium restored to them, ii. 118. May have been implicated in the affair of the nine antagonists of T. Sicinius, who were put to death — the lesser houses followed him, 128, foll. It is a mistake to suppose that the plebs judged him, 167, since it was incredible that they condemned him; the story about his father having done so, or at least having been a witness against him, was invented: — other inventions to explain it, 168: — the tale about him embellisht with parts

of the history of the Gracchi:—he was condemned by the houses, 169. His guilt seemed evident, because it was taken for granted that the people had found him guilty, 170, foll. Dion believes him an innocent victim, 170. However, it is very possible that he may have been ambitious of regal power, 171. His property dedicated to the temple of Ceres. His statue, 172.

Castes, difference of, always arose from immigration, or subjugation, i. 294.

Castrum on the Upper Sea, uncertain when establisht as a colony, iii. 403, 545.

Castula, an unknown country-town of Etruria, in Diodorus, conquered by the Romans, 284.

Catana is conquered by the Romans in the year 483, iii. 568.

Cataracta, according to Diodorus a town in Apulia, which was conquered by the Romans, iii. 245.

Catiline, a hero in the Florentine chronicles, ii. *n.* 1345. Conspiracy of, justly called a *patricium nefas*, iii. 11, *n.* 10.

Cato, his *Origines*, how classified. Afforded the plan for Appian, i. *n.* 2. His account of the settlement of the Trojans, and of the wars with Latinus and Turnus, 193, *n.* 559. His date of the foundation of Rome, 268. Reproaches the Romans for their indifference to their early history, iii. 582. Catonian era, was scarcely invented by Cato, *n.* 293.

Catullus, (xxxiv) Scaliger's emendation examined, i. *n.* 883.

Caudinian legion derived its name from the canton of the Caudinians, iii. 225.

Caudium united by an isopolitan relation to Rome, ii. 62. Defeat near, iii. 211, foll. One of the greatest Samnite towns destroyed here through anger at the recollection connected with it, 211. There is no doubt that the Romans lost there a desperate battle, 212. The peace of Caudium, 216, foll. Consequences of the victory for Samnium, 223, foll. The Samnites are defeated in 434, not far from Caudium, 234.

Caulon, a colony of Croton, i. 158.

Caution, a usual maxim of Roman generals, iii. 231.

Cavalry, the weak force of the Romans, iii. 473.

Celeres, patricians, i. 331.

Celtiberians, not Iberians governed by the Celts, but Iberians who conquered the Celts, ii. 519, foll.

Celticans in Spain, ii. 519.

Celto-Ligurians, i. 165.

Celto-Scythians, ii. 524.

Celts, statements which place their immigration into Italy about Ol. 98, ii. 512, foll. Proofs of the correctness of this date, 515, foll. The statement of Livy, the only one against it: its emptiness, 517, foll. The Celts on the Adriatic Sea were, according to Scylax, those who had remained behind, ii. 514: perhaps the Boians, 515. Remains of the Celtic population in Spain, 519, foll.

Ceno, a port-town of Antium, taken by the Romans, ii. 246.

Censorian power principally appears in regard to freedmen, ii. 401. A censorian brand was not a judicial sentence, 400. For what actions it was inflicted, 400, foll. Censorian registers older than the Gallic period were preserved and were genuine, 3. Registers of citizens, and books for the registration of taxable lands according to districts, 408.

Censorinus, surname of C. Marcius, uncertain why it was given him, iii. 556.

Censors, collegues for a time of the consular tribunes, and reckoned among them, ii. 392. According to the constitution of 311, elected by the curies, 387, 399. Confirmed by the centuries; hence the latter, in later times, voted twice with respect to them, 397. Application with respect to them, of the regulation as to the nomination of the consul major, 397, foll. In the year 350, the centuries got the election. Their duties, 398: at first trifling. Their power of enrolling members in the senate, equestrian order and the tribes, and of excluding the unworthy, 399. They could increase or decrease the civil franchise, but neither grant it nor take it away entirely, 401. Addition of tribes by them means only that they proposed the bill on that subject, 402. Administration of fiscal matters was entirely left to them, under the control of the senate, 403. Elected according to the law of the consul major—they continued also afterwards to be

the supreme magistracy, *n.* 905. The first were in office as early as 311, and assumed, after the removal of the military tribunes, the whole power, 412. The censors of 376 had to resign because one among them was a plebeian, *n.* 871. Elected thrice for the purpose of transferring pledged property—this purpose proved a failure, 604. Are, according to the law, very free in the regulation of the lists of citizens, iii. 296. In Sicily, on account of the census of the aristocracy, 619.

Censorship, as a part of the decemvirate, was united to the civic pretorship; hence Ap. Claudius is called the first censor, ii. 326. Its duration limited by Mam. Æmilius, 425. In the change of the consular tribunate in 350, it loses the functions of the civic pretorship, 437. Divided between the two orders, iii. 150. Is very unusual without a preceding consulship, 294. Occasions an immense deal of writing, 299. Appears to have been united with the pretorship, but certainly never with the consulship, 303, foll. Censorships in the early times are often separated from one another by longer intervals than five years, 556. A shorter interval, probably, occurs only in the instance of Q. Fabius and P. Decius, 320. Important institutions of this censorship, 320, foll. That of Fabricius and Papus (471) is celebrated for having excluded Rufinus, 556.

Census concerned only res mancipii, i. 454, foll. In making it out, the real value of the property differed from the sum at which it was rated, but according to quite a different principle from that followed at Athens, ii. 406. Arbitrary assessments placed the centuries under the control of government, 410.

Census (Returns of) in the most ancient times are perfectly genuine, their fluctuations, i. 552, foll. Include, besides the Romans, the sum-total of the capita of all isopolitan states, ii. 68, foll. Comprehend only male adults and men capable of bearing arms, 68. Proof of it, 70. Impossibility, that by the total numbers only Roman citizens should be meant, 70. Their increase and decrease shew nothing but a change in isopolitan relations, 71. Those of 280, (corrected according to Dionysius,) and those of 289, (corrected according to Livy,)—great decrease of capita, *n.* 560. Those of 294, in which the Volscians are not included, 256. Those of 295 compared with those of 289:—the question is explained by the municipal relation of the Volscians of Antium and Ecetra, 256. Statements of the census in the epitomes of Livy, iii. 425, 555, foll. Those of 554 justly considered in regard to the plebeians contained in it, *n.* 711.

Centesimæ in the calculation of interest on money, was probably introduced at Rome by Sylla from Greece, iii. 57.

Centoripa under the dominion of Syracuse surrenders to the Romans, iii. 568. After the war it is free and not subject to tribute, 617.

Centum gradus in the capitol, down which the Latin pretor fell, iii. *n.* 239.

Centumvirs, plebeian judges instituted by Servius, i. 428. Elected by the tribes; their rights, iii. 553, *nn.* 1011, 1012.

Centuriæ primo vocatæ of the new arrangement do not occur till the year 449, iii. 345.

Centuries, the tribes of the houses were so called because they consisted of 100 houses, i. 318. Three new ones of Tarquinius were tribes, not merely troops of horsemen, 398. The relation between these and the curies cannot be ascertained, 399. The second ones of king Tarquinius—first and second Ramnes, Tities, and Luceres, 361.

Centuries of king Servius, their constitution is described by Livy from no other motive than that it had nothing in common with that of his own days, i. 434. As it had been abolisht long ago, his account and that of Dionysius differ and are full of errours—that of Cicero is incomparably more correct, 434. Further differences in Pliny and Gellius, 435. It is a mistake of both historians to suppose that the difference of classes had affected the rank of citizens who were equal before, 435. Their total number one hundred and ninety-five, 453. Five are attacht to the classes: only one of carpenters, 451, 481, foll.

Their comitia in the field, 481, foll. First law which they past, 531. Dionysius always looks upon them as the aristocratic element of the constitution, hence he transfers to them what is peculiar to the curies, ii. 179. They are in 271 called upon to elect the consuls in order to restore peace, 182. Are entitled to vote in declaring war, as well as in legislation in general, 185. This privilege is recognised, 427, foll. Had to confirm the consuls, who from 273 were appointed by the curies, 189. This was done for the sake of form by the clients, 189. Their privileges increast by the XII tables, 321. Instance of the first criminal court held by them, 322. Appointed the consuls from the time of the decemvirate, 362. With what limitation, *n.* 795. In the year 286 only represented by the clients, 229. Their formation was in the power of the censors and the government — hence the result of the elections was often entirely against the interest of the people, 410, foll. Their being called after the names of the tribes is conceivable only by their having at a later time been transferred to the tribes, iii. 337. Centuries of the elder and younger men in the new order of voting, 341. Decrees of the centuries no longer subject to the veto of the curies, 148. The Servian constitution of the centuries no longer answers its purpose, 322, foll. and cannot be maintained by progressive changes, 325, foll. Was evidently a matter of antiquarian knowledge even for Cicero, Livy, and Dionysius, 331, foll. A plan for its entire reform is proposed, 327, foll. The new constitution was essentially based upon the tribes, 327. The correct view of it is as old as the sixteenth century, and was probably first propounded by Faernus, 333, 342. Objections to it and their refutation, 342, foll. There is no necessity for supposing that the new order was not introduced till after the completion of the thirty-five tribes, 345. The comitia of the centuries are more and more supplanted by those of the tribes, 297. Those of the new arrangement differed in four essential points from the comitia of the tribes, 341.

Centuries of land, how many jugers they measured, and their double measurement, ii. 629. One hundred actus, one hundred heredia. Etruscan of one hundred versus, 629, foll. Allotment of centuries of land, 630. A century, of one hundred heredia, or two hundred jugers of arable land, was the field of a cury, 157. There were none of one hundred jugers, *n.* 329. Plebeian centuries assigned in fourteen lots, *n.* 1103. Those of two hundred and ten jugers likewise refer to the plebeian lots, *n.* 355.

Centuries in the legion. A century originally consisted of thirty men, one out of each tribe, i. 471, iii. 100. When there were only twenty tribes, it consisted of twenty men, according to the same principle, 470, *n.* 1093, ii. *n.* 775. Of the Romans and Latins, every two always united into one maniple, 25, *n.* 35.

Centurions, had only double pay, ii. *n.* 970. In the Roman army are only to be regarded as under-officers or serjeants, iii. 66.

Cephalon of Gergithes, upon Æneas and the foundation of Rome, i. 183.

Ceps, the termination has by itself no meaning, ii. *n.* 107.

Ceraunilia, an Apulian town in Diodorus, is taken by the Romans in 437, iii. 245. Probably the same as Cesaunia on the coffin of Scipio, *n.* 619.

Ceraunian mountains afford only forest pasture, iii. 452.

Ceremonial law, Roman, its troublesome nature, iii. 193.

Ceremonies, awful, with which the Samnite army was devoted in the third war, iii. 390, foll.

Ceres, her temple, its situation — was the property of the plebs, — the archives of the commonalty kept there; alms distributed there, i. 621. Penalties arising out of the Icilian law were forfeited to it, ii. 290, and properly speaking not to the publicum, *n.* 664.

Cermalus, not Germalus, or Germalum, or Cermalum, i. *n.* 932. Its situation. 390.

Cesauna, in Samnium, taken by L. Scipio, is probably the same as the Ceraunilia of Diodorus, iii. 364, 367, *n.* 619.

Cesennia (uncertain, iii. *n.* 442), taken

by the Samnites in 439, 253. Reconquered by the Romans, 258.
Ceteians, different from the Mysians, as the Meonians from the Lydians, i. 217.
Chalcedon, the story of its capture by a mine, probably rests only upon Ctesias's assertion, ii. *n.* 1063.
Chalcidians, founders of Cuma, iii. 177. Possest the Phlegræan plain previous to the extension of the Tyrrhenians, 179.
Channels in Etruria, 1. 132.
Chaonians had the supremacy in Epirus during the Peloponnesian war, iii. 454. Were governed by kings elected from a particular family, 454, foll.
Characters, the Marsians and the table of Bantia used Latin, the Samnites Etruscan, the Lucanians probably Greek, i. 105.
Charilaus opens to the Romans the gates of Neapolis, iii. 187.
Chariot, the privilege of riding to the senate in a chariot was confined to the time of the magistracy: — the dictator was obliged to make use of the chariot, ii. 389, foll.
Chiana, drainage of the, i. 131. The same system was used by the Etruscans in the Delta of the Po, 132.
Chone, or Chonia, country of the Chonians, i. 58.
Chonians, the northern Œnotrians, i. 58, also called Chaonians, 57.
Chronological errours in Livy's viii and ix books about Alexander of Epirus and Alexander the Great explained, ii. 568, foll. Compare iii. *n.* 293.
Chronology of the Roman kings entirely invented, with the exception perhaps of that of the last king, i. 253. Greek chronology of the early times cannot at all be depended upon, *n.* 1224. Of the Etruscans, according to cyclic years, secles, secular days, and secular weeks, i. 137, foll.
Cicero, *Brutus* (16), an emendation establisht, i. *n.* 835. *De Republica*, on the Servian constitution of the centuries emended, and its corruption explained, *n.* 1039. His family is traced back to Attius Tullius, ii. 105. *Pro Quinctio*, its true object, iii. *n.* 286. He attests that a battle was fought at Caudium, 212. Being himself a Volscian he is acquainted with the early history of the Æquians and Volscians, 267, foll. Is indifferent to the early affairs of his country, 312. In his description of the merits of Cn. Flavius some things are intentionally placed in a false light, 315. Differs from Livy and Dionysius in regard to the centuries, 332. *Philipp.* (ii. 33), explained, 340. He is mistaken in regard to the origin of the augurate, 351. His name has past over into the popular traditions of Rieti and Terni, *n.* 713.
Cilnii at Arretium, i. 123. Expelled from Arretium, and led back by the Romans in 445, iii. 286. Afterwards preserved the fidelity of the town, 370.
Cimbrians were Belgians, ii. 523. The expeditions against Rome and Delphi ascribed to them, 524.
Cimetra, an unknown place in Samnium, conquered by Fabius in 449, iii. 366, foll.
Ciminian forest, the mountains of Viterbo, iii. 279. Its wildness exaggerated by Livy, 280.
L. Cincius, how he fixt the foundation of Rome, i. 272, according to what view, 273, foll. His distinguisht personal character and his writings, 272, foll.
Cineas, a Thessalian by birth, a friend of Pyrrhus in the true sense of the word, iii. 462, 481. He perhaps heard Demosthenes when a boy, 481. Died probably during the expedition of Pyrrhus to Sicily, 481. Is sent to Rome with proposals of peace, 482. Endeavours to win the Romans by calling them each by his own name, 482. The history of his attempt at bribery is probably an invention, *n.* 846. His speech in the Roman senate, 485, foll. Is sent away, 494. In the year 468 he leads the liberated prisoners back to Rome, 509.
Cingilia, a town of the Vestinians, conquered by D. Brutus in 424, iii. 192.
Cinna, an uncertain place in Diodorus, where the Romans gained a battle against the Samnites, iii. 232.
Circeii captured by the Volscians, ii. 107. The colony expelled and replaced by a Volscian one, 107, foll. Colony, 490. Hostile, ii. 587, foll.
Circeii, a Roman colony united to Latium, iii. 92.
Circumarare, to enclose within a furrow, i. 543.
Circus maximus, built by Tarquinius for the curies, i. 363. The Flaminian

circus destined for the plebeian games, as the other was for those of the populus, ii. 360.

Citizens of Latium, the name given to those who could prove that they belonged to a municipium, although they did not do so, ii. 65. The number of the real Roman citizens had very much increast before the Gallic invasion, ii. *n.* 979.

City, the earliest, on the Palatine (Roma), i. 287. On the Quirinal (Quirium), 290. Both originally distinct, 291. The third on the Cælian (Lucer or Lucerum), 297. Plebeian city on the Aventine, 411, foll. Each had the same officers, especially the same colleges of priests, which were referred to the whole state, at the time when the first two tribes were united; for the third this equality existed only in regard to the vestals, 302.

Civic Legion, different from the reserve, which was composed of the seniores and causarii, ii. 121. Without doubt phalangite, 123.

Classe pugnatum is equivalent to *classe procinota*, ii. *n.* 1015.

Classes, constitution of, its principle was not unknown among the Greeks, i. *n.* 1017. The division into classes of Servius, according to what principle arranged, 442. Only five classes; the sixth rests upon an erroneous supposition of Dionysius, 443. The fifth class, the standard of its property, is undoubtedly stated more correctly by Livy than by Dionysius, 444. The votes of each class, compared with those of the first, must have been in the proportion of their taxable property to that of the first class; from which follows the average number of the citizens contained in them, 447, foll. Originally, they may have contained only plebeians, but clients were mixt with them at an early period, 471. With how many centuries they served in the legion in the field, 476. The second, third, and fifth, furnisht each double the number of their junior votes, 479. The fourth only as many; why? 480. The five classes are in later times mentioned only by the author of the letters ascribed to Sallust, iii. 342. The figurative expression "to belong to the fifth class" in Cicero, 343. The registration in the five classes may, however, have continued to take place even after the reform, 344. The centuries of the classes were changed into centuries of tribes in the censorship of Fabius and Decius, 347. The division into classes became in the course of time quite unsuitable, 322, 335, *n.* 562. Their relation was already changed by the Pœtelian law, 324, and next by the increase of wealth, 325, and entirely abolisht in the new law of Fabius and Decius concerning elections, 327. This is especially clear in the new arrangement of the legions, 333.

Classification according to property is but a poor expedient for a true aristocracy, iii. 330.

Classis prima et secunda of the later centuries, probably based upon the difference between the country and city tribes, iii. 340.

Classis and *classicus* occurred even in Cato, iii. 343.

Claudia aqua, its subterraneous passages, iii. 308.

Claudii, their reception at Rome; as a house they supplant the Tarquinii, i. 561, probably at the conclusion of the peace with the Sabines, 561. Characteristics of the family, 599. They belong to the lesser houses, ii. 116, *n.* 248.

App. Claudius I., what is told about him is probably taken from the family commentaries:—his revolting obstinacy, i. 599.

App. Claudius II. fixt upon by the senate for the consulate, ii. 186. Appointed consul for the purpose of resisting the Publilian rogations, 219. Opposes Publilius with insult and rage:—is overcome, 220. Seeks revenge, 226. His tyranny against the army. his flight and his rage: accusation against him: his death, 227, foll. (Whether he then put an end to his own life? Compare, *n.* 754.)

App. Claudius, the Decemvir, the soul of the decemviral legislation, possesses the confidence of the people, ii. 335. Whether he was a son of the consul of 283, or rather whether he was not the consul himself, *n.* 754. The first man in the college of the decemvirs, and with the greatest influence, 336. Is mentioned as the first censor, 326.

His crime against Virginia, 348, foll. Allows Virginia to be bailed provisionally on the first day, 350; on the second day he gives *vindicias secundum servitutem*, does not adjudge Virginia as a slave, *n.* 773. Accusation, defiance, imprisonment, and death, 370, 374, foll.

App. Claudius, the grandson of the decemvir, ii. *n.* 754. Appears to have introduced in 352 the veto of a single tribune against a majority, 439.

App. Claudius, the Blind, his character and plans are more surprising than any in the whole history of Rome, iii. 294. The consequences of his exertions were entirely beneficial, 294. He was censor without having been consul, 294. Insulted the senate, perhaps out of revenge, 295. Received the whole mass of the libertines, though with a reasonable intention, among the plebeian order, 300. He was, on the other hand, hostile towards the genuine plebeian order, 301, especially against the plebeian nobility, 302. Thought of breaking the Licinian law, but scarcely of making himself tyrant, 303. Prolongs his censorship unlawfully, but is compelled by the tribune L. Furius to lay it down, 304. His great architectural works, 304, foll. Applies to them the revenues of the state without a decree of the senate, 308. Traces of his poetical efforts, 312, *n.* 535. The earliest Roman author in verse and prose, 313. He is said to have assisted Cn. Flavius in drawing up the legis actiones, 316. In the year 450 consul against Samnium, 367. According to an important inscription he gained victories in Samnium and Etruria, 369. Finds himself in a dangerous position in Etruria, 370. Supported by Volumnius he conquers, 371. In the year 451 pretor and at the head of an army, 374. Sent back by Fabius, 377. Was dictator probably in 454, 398. Three times interrex, and in one of them his defiance was conquered by the tribune M'. Curius, 412. In his old age his speech decides the senate against Cineas and Pyrrhus, 487, foll.

App. Claudius, consul in 482, undertakes the making of an alliance with the Mamertines, 563, foll. Crosses over to Sicily, and first defeats Hiero, 566, then also the Carthaginians before Messana, 566, foll.

C. Claudius, recommends the assassination of the tribunes, ii. 387.

M. Claudius, the false accuser, ii. 348, foll. Becomes an exile, 370.

M. Claudius Glycias, appointed dictator by P. Claudius after the battle of Drepana, iii. 606.

P. Claudius, son of the old Appius, of an abominable character, iii. 303. Consul in the year 497 he leads the troops to Sicily to support the siege of Lilybæum, 605. Reconciles the auguries, 605. Is completely defeated in the port of Drepana, 605. He appoints in mockery his client M. Claudius Glycias dictator, 606. Condemned to pay a multa he probably put an end to his own life, 607.

Claudius, the Emperor, fragments of his speech upon the admission of the Lugdunensian Gauls into the senate, i. 381. Emended, *n.* 923. His Tyrrhenian history, 11.

Claudius Quadrigarius, his annals commenced from the Gallic conquest, ii. 2. Is probably the same author as Clodius, mentioned by Plutarch, 2. About the date of the Gallic expedition on the Anio, is probably only misunderstood, *n.* 1251. He placed the battle against the Gauls on the Anio, in 388, *n.* 1304. His description of M. Manlius, *n.* 1327.

Claudius, an unknown person at the time of the first Punic war, had a statue with a diadem erected to himself, iii. 303.

Clausus, Eponymus of the Claudii, i. 560.

Clay, works in, at Arretium and Tarquinii, their different character, i. 132, foll. At Tarquinii they were of Greek origin, 133.

Cleandrias (undoubtedly the same as Leandrias in Diodorus and Cleandrides in Polyænus) is mediator of the peace between Tarentum and Thurii, iii. *n.* 289.

Cleandrides, general of the Thurii against the Lucanians, i. 96.

Cleonymus, grandson of Cleombrotus, a degenerate Spartan, iii. 270, enters the service of Tarentum, 270. Conquers Metapontum, and satisfies his lusts among the hostages, 271. Abandons the service of Tarentum

and attacks Corcyra, 271. Ravages Messapia and then the territory of Patavium, 272. Loses Corcyra and returns to Sparta covered with disgrace, 273, and becomes in the end the seducer of Pyrrhus, 273.

Clients, dependents, i. 323. Received from their patrons building-ground and land as a precarious tenement, 325, ii. 148. Their duties and privileges, i. 325, foll. Clients of the kings, 331. Enrolled in the centuries at an early time; did not however serve in the legions, 471. Those who were erarians voted in the centuries, 595. They were mostly mechanics, *n.* 1340.

Clientship, Dionysius compares it to the relation of the Πενέσται in Thessaly; but at Rome it was of a nobler kind, i. 323. It was hereditary, 324. Its sacred duties, 325. Confounded by Dionysius in the early history with the plebs, 589. In the later history Dionysius does distinguish them, and Livy does so throughout, 590, foll.

Clitarchus (soon after the death of Alexander), speaks of the embassy of the Romans to Babylon, iii. 169, *n.* 300.

Clivus, the carriage road on the Roman high roads, iii. *n.* 518.

Cloacæ and embankments of the river, i. 361, foll.

Cloaca maxima, for the Velabrum, its structure, i. 391. Another cloaca under the forum coming from the subura: of travertino, consequently a structure of a later date; what is said about repairs, is probably to be referred to this cloaca, 392, foll. There were other branches besides,—and a different system of drainage, 392.

Cloelia and her companions, two different legends, i. 549.

Cloelii, belong to the lesser houses, ii. 117.

Cloelius, an Æquian, his people are called Volscians, ii. 449.

Clupea, in Africa, first taken by Regulus, iii. 585. Thither the small remnant of the defeated army escaped 591. Was afterwards bravely defended, 592.

Clusium, in 450 takes part in the Etruscan war, iii. 370. Is mentioned incorrectly by Frontinus instead of Assisi, *n.* 640.

Cluvia, a place of unknown situation, conquered by the Samnites in 437, iii. 242. Its Roman garrison put to death, 242. Afterwards taken again by the Romans, by storm, 242.

Coalition of northern and southern Italy was attempted especially at the instigation of the Tarentines, iii. 436; but frustrated, 443.

Cœtus, society, a term peculiar to the public law, ii. *n.* 80.

Cognomen, derived from dependent places, ii. 321. Is sometimes placed by Livy before the nomen gentilicium, iii. *n.* 622.

Cohort, instead of this word Livy uses the terms acies and agmen for the more ancient manipular legion: — when there were thirty tribes it contained 900 men, and when twenty 600: this fact throws light upon Dionysius, i. *n.* 1093. In its old signification, iii. 99. Contained 900 men, 101.

Coins, Campanian, with the inscription *Romanom*, iii. 291. An expedient for commerce before silver was current, 552.

Coinage, standard of, reduced to assist the debtors, iii. 62. Right of coinage was at Rome, probably not a privilege of the government, 552.

Coitio patriciorum ad prodendum interregem, i. 528.

Colline gate, near it the Gauls are conquered in 389, iii. 77.

Colonia, this term signifies the body of colonists, and does not originally include the old inhabitants, ii. 44, foll.

Colonies, Roman, very ancient definition of them, ii. 43, foll. *n.* 80. Properly speaking, presupposed a place already inhabited, 44, where the colonists were settled as a garrison and received one third of the land, *n.* 82. Vacancies were filled by the soverain power, 46, foll. Their relationship to Rome is like that of sons in a family, 47. They are miniatures of the Roman people, 49, *n.* 89. The most ancient ones had 300 colonists, each received two jugers of land, 48. This normal number of colonists occurs even in late instances, iii. 176. How it is to be understood, that the old inhabitants received the Roman franchise, ii. 49.

Are in the relation of subject sympolity, 60. Colonies of 300 men, one from every house,—always at least ten from every cury, 230. Their contingent, *n.* 449. Assigned to Latium after the league, iii. 92. Latin colonies to be regarded as frontier fortresses, 173.

Colonies, of Alba, ii. 21. Founded by confederate nations, 39. Greek ones, their peculiarities, and how they differ from the Roman ones, 43. See Greek Colonies.

Colonists, φυλακὴ, φρουρὰ, φρουροὶ, i. *n.* 1341, ii. *n.* 82. Plebeian colonists at Lavici, the veterans of ten tribes, *n.* 958.

Colonists at Ardea, not of the same kind as the most ancient Roman ones, ii. 451. Venetian colonists in Candia, 49.

Colophon, when taken by the Lydians, i. 58.

Colossus of Sp. Carvilius, iii. 424.

Columella, ignorant of early Roman history, iii. *n.* 19.

Combination of two narratives of the same event in one, an instance of it, ii. 358, *n.* 781. Of two different narratives, *n.* 575.

Cominium, besieged in 453 by Sp. Carvilius, iii. 392. Stormed, 394. Again conquered by L. Postumius, 401.

Cominius (Pontius) not Cominus, ii. *n.* 1212.

L. Cominius, military tribune, decides the victory near Imbrivium, iii. 194.

Comitia never imposed a tax, with the exception of the duty upon manumissions, ii. 405. Under the presidency of the priests:—curies, *n.* 719. Of the curies decreed laws, war and peace under the kings, i. 344. Proof that they were the assembly of the patricians, 335, foll. They elected and bestowed the imperium, 335. They were held in the presence and under the presidency of the priests, who had nothing to do with the centuries, ii. 223.—Of the centuries, their functions, i. 483. Their decrees could not dispense with the confirmation of the curies, 482. Gave their confirmation in all cases, in which subsequently five witnesses were required, 483. In the camp: what was peculiar to them, 482. Must always be concluded in one day, iii. 334. Their venality in later times is not a mere consequence of the new constitution, 329. Compare Classes, Curies, and Tribes.

Comitial days, how far jurisdiction could be exercised on them, iii. 314, *n.* 539.

Comitiatus maximus, assembly of the centuries, i. 434.

Comitium, so called from the meeting of the houses, i. 232. Place of meeting of the Romans and Quirites, 291. Of the Patricians, *n.* 746. Situation of it, *n.* 623, and the forum:—locality—both together are the forum in a wider sense, surrounded by porticoes, and separated by the rostra, *n.* 990. Ὁ κράτιστος τῆς ἀγορᾶς τόπος, *n.* 1205. Ἐπιφανέστατος τῆς ἀγορᾶς τόπος—τὸ κράτιστον τῆς ἀγορᾶς, ii. *n.* 720.

Commerce, its extent in Etruria, i. 129.

Commercium, only inquilines were entitled to it, not outlying freemen, ii. 77. It did not exist between the two orders before the XII tables, 282, foll. Afterwards entirely free between both orders, 331. Was taken from the conquered Hernicans, iii. 261. Was abolisht in Sicily after the conquest, 618, foll.

Commonalty (*commune*), by the side of the houses; origin, nature and rights, i. 405, foll. The different character of those who belonged to it, 405. Synonymous with δῆμος and plebs, 406. Grew in ancient times out of country people, in the middle ages out of the crafts, 406. Its struggles with the houses form the substance of the history of the cities, 407. Roman commonalty; restoration of its liberties and the mild way in which it was governed after the fall of Tarquinius:—its ill treatment after his death, 571, foll. Sunk down into hopeless distress, ii. 618. At first without any zeal for the Licinian laws, iii. 4.

Concessio, the correlative term to *occupatio*, ii. *n.* 301.

Concilia, of nations, synonymous with ἀγορὰ, ii. 30.

Concilium, assembly of a part of the nation, i. 425. Concilium populi, assembly of the patricians, where it occurs in history, 425. Decrees peace with the plebeian emigrants, 609, *n.* 1344. In the Petelinian grove, ii. *n.* 1337. Concilium plebis, as-

sembly of the plebs: magistrates and senators at least were entitled to oppose the proposals of the tribunes, 211, foll. Had to be brought to a close before sunset: delays, and violent disturbances, 211. Was confined to the nundines:—all its transactions had to be concluded in one day, or otherwise had to go through all the stages again, 215. Debates upon a rogation were not thus limited, *n.* 487. Did not become a branch of the legislature till 298, when the senate acknowledged the obligation, to take into consideration resolutions past by it, 218. Disturbed by Cæso Quinctius, 288.

Concio, meetings for discussion, different from the meetings in which measures were put to the vote:—*concionem habere* and *agere cum populo*:—concio different from comitiatus and concilium—to a concio the commonalty was called on behalf of the consul by the aenentores; the centuries by the cornicines, ii. *n.* 487.

Concordia, her temple vowed by Cn. Flavius, iii. 317. Was built entirely of bronze, 318.

Confederates, strengthened the ruling power at Rome against the malcontents, ii. 176.

Connubium, children from marriages without the connubium disturb the peace of aristocratic republics, and are sent out as colonists, i. 158. The notion that the Romans did not possess the connubium, shews that the most ancient tradition did not regard them as a colony of Alba, *n.* 628. Was a consequence of Isopolity: existed between Rome and Alba, the Latins and all Italicans, ii. 77, foll. The opinion that the ancient Latins did not possess it, is entirely erroneous, *n.* 89. Existed from remote times between the two orders at Rome, 282. Not allowed by the XII tables between the two orders, 332, but not abolisht by them: the want of it enfeebles the patrician order, 337, 385. Of the Tities with the Sabellians, *n.* 756. Taken from the revolted and conquered Hernicans, iii. 261.

Consensus, a decree, ii. *n.* 80.

Consentia, metropolis of the Bruttians, i. 99.

Constitution, Roman, its development after a long successful progress does not continue equally in the end, iii. 535. Constitution of the year 311, ii. 387.

Constitutional law, Roman, Cincius already wrote upon it, ii. 8; but especially C. Junius Gracchanus, ii. 10.

Consul, the etymologies of Varro and Attius are erroneous:—the word means nothing but a collegue, i. 521.

Consul Major—who had this rank, i. *n.* 1143. Originally the one who belonged to the greater houses, as minor was the one who belonged to the lesser houses, ii. 117. From the year 273 down to the decemvirate the one appointed by the curies; the one elected by the centuries was called his collegue, 188 foll. *n.* 424.

Consuls appointed by the curies during the first secession, i. 608. Those of the years 269 and 270 cannot possibly have been elected by the commonalty, ii. 181. The election of their successors was the last official act of those whose office was expiring, *n.* 492. Rejected complaints against those they favored, 289. To be elected from the patricians by the centuries with appeal: enactment of the Duilian plebiscitum, 360. But doubtless already determined on before by the compromise, 361. The name introduced instead of the earlier one of pretors, *n.* 792. Consuls elect did not exist in the commencement of the fourth century, *n.* 711.

Consular Army, towards the end of the third century, consisted only of one legion, in which were thirty centuries of triarians, and fifty of other heavy-armed men, ii. *n.* 569. Compare *n.* 612. Its usual strength is two legions, iii. 123, 132, 214.

Consular Election, the first one held by the centuries, according to the laws of Servius, i. 521. Transferred to the senate and curies: the centuries are confined to confirming it:—they refuse this in the year 269, ii. 179. The transfer of it from the centuries to the curies is expressly attested, *n.* 397,—and facts prove this transfer, 184. Proofs that this transfer occurred in the year 269, from the statement about the date, 184, foll. Divided between the curies and cen-

turies in 273, and so it remains until the decemvirate, 188, foll.
Consular Fasti, probably extended the dictatorship of Papirius Cursor, over a whole year, iii. *n.* 337.
Consular Power, subject of the Terentilian rogation, ii. 281.
Consular Tribunes. See Tribunes, Military.
Consular Year, those of 264 and 265 are wanting in Livy, not from mistake, ii. 103. The consular year commenced in 278 and 291 on the 1st of Sextilis, 203, 252:—from 305 to 355 on the Ides of December, *n.* 831. Its varying commencement, iii, 128, 260, 285, *nn.* 258, 329, 337, 342, 389, 672. From the time of the Mænian law it is fixt on the Ides of May, iii. 421, foll.
Consulship, must originally have been intended to be divided between the populus and the plebs, i. 522. In accordance with the commentaries of Servius, it must have been divided between the two orders, 431. In what respects less than regal power, 524. Publicola granted a general permission for any one to be a candidate for it, i. 530. Rogation of nine tribunes, that it should be divided between the two orders, ii. 384, and that both should have equal eligibility, 386. Divided between the two estates by the Licinian law, iii. 6, foll. Retains jurisdiction even after the separation of the pretorship, 33. Is often held by noble plebeians, 69. According to the law it was open to both orders, perhaps even from the year 408, 70. Was certainly never united with the censorship, 303, foll.
Consus, the god of secret deliberations, i. *n.* 629.
Contracts for the use of money, were concluded for the duration of the year of ten months, i. 582.
Conventio in manum, places a person on the same footing as a child as to the right of inheritance, i. *n.* 634. Was difficult to be dissolved among the Romans, but not marriage in general, iii. 356.
Conventus, was undoubtedly also the name for the bodies of Roman citizens living in isopolite towns in Italy, iii. 291.
Copper, in heavy masses, was the currency in central Italy, and likewise in Samnium, i. 458. Contributions of copper furnish the material for a a statue, ii. *n.* 938.
Copula, is omitted between the names of two things which are necessarily connected, i. 405. See also 294, 377.
Cora, must have been in the power of the Volscians during the time of their greatness, ii. 108, 261. Was inhabited as a colony probably by Romans and Latins in common, iii. 92, foll.
Corbintes, name for the citizens of Corbio, ii. *n.* 21.
Corbio, its situation, ii. *n.* 21. Belonged to the Æquians, 259.
Corcyra, invaded and exhausted by Cleonymus, iii. 271, foll. Falls soon afterwards into the hands of Agathocles, 273. Principality of Lanassa is withdrawn by her from Pyrrhus, 469.
Cordonata, is what the ancients called alta semita, iii. *n.* 518.
Corinth, the numbers of the slaves there and in Ægina are ridiculous, ii. 69.
Corioli, cannot have belonged to the Antiatans in 262, ii. 103. The ancient annals knew nothing of a war against it in 261, 103. In ruins, 259.
A. Cornelius Cossus, kills Tolumnius, ii. 458. Erroneous statement of the date, 459, foll. It cannot have happened earlier than 327, when Cossus was consul, 460:—that is to say, in 329, when he was consular tribune and pretor of the city, 460. Traces of the correct account even in Livy, 461.
A. Cornelius Cossus, the dictator, ii. 587. His victory, 588.
A. Cornelius Arvina, dictator in 426. His triumph is doubtful, iii. 200. Reason of it, 200.
A. Cornelius Cossus, general in the first Samnite war, iii. 120.
C. Cornelius, attacks Corsica and Sardinia in the year 487, iii. 579.
C. Cornelius Scipio Asina, consul in 486 is tempted by a stratagem, and is made prisoner of the Carthaginians near Lipara, iii. 577.
Cn. Cornelius, causes a third stipendium to be granted in lieu of a knight's horse, ii. 498. He and P. Calvus mediators of peace, 498.
Cn. Cornelius Scipio, proconsul in 493, leads the new fleet to Sicily, iii. 595.

Is dismist uninjured from Carthaginian captivity, 600.
L. Cornelius, is consul in the year 423, against the Samnites, iii. 181.
L. Cornelius, son of Cneius, the pretor who proposed the senatusconsultum respecting Tibur, is in all probability Scipio Barbatus, whose sarcophagus is still extant, iii. 264.
L. Cornelius Scipio Barbatus, consul in the year 448, gains a victory near Volaterræ, iii. 363. His exploits in Samnium and Lucania, which are recorded in the inscription on the sarcophagus, were probably accomplisht under the auspices of some one else, 364, 366, foll. Legate under Q. Fabius, 364. Decides the victory on the Tifernus, 366. Propretor in the year 451, iii. 374, 377, foll. Takes Aquilonia, 393, foll. Among all his contemporaries he stands nearest to us by his sepulchral monument, 378.
P. Cornelius, consul in the year 441, maintains himself in a difficult position in the midst of Samnium, iii. 254. Conquers the Samnites in common with C. Marcius, 255.
P. Cornelius Rufinus, consul in the year 456, iii. 401. His triumph doubtful, 402. Dictator in 466 to conduct the preparations of the army against Pyrrhus, 495. Consul in the year 469, 513. Conquers Croton by a stratagem, 514. In the year 471 excluded from the senate by the censors, 556. His rapacity and dishonesty were known, 557.
Corni, are the inhabitants of Corniculum, ii. *n.* 21.
Corporal and Capital Punishments in the Roman criminal code, the law did not admit persons to escape from them by voluntary exile, ii. 370, foll.
Corsica subject to pay tribute to the Etruscan maritime towns, i. 126. Plan of the Romans for establishing a colony there, iii. 241. Probably frustrated by the jealousy of Carthage, 242. In the first Punic war (487), visited by the Romans in a predatory expedition, 579, foll.
Corton, Cortona, principal place of the Tyrrhenians in Tuscany, i. 34. Corton, and not Creston is the correct reading in Herodotus, *n.* 89. Is not mentioned in the Hannibalian war as a free Etruscan town, 119. After the battle of Perusia obtains a truce from Rome, iii. 283.
Ti. Coruncanius, master in the science of the pontiffs, iii. 353. Triumphs over the Volsinians, 430, 464, foll. On the approach of Pyrrhus he withdraws towards Rome, 497.
Corythus, Cortona, whence Dardanus came to Samothrace, i. 33, *n.* 85.
Cosa, a town of the Vulcientians receives a Latin colony, iii. 430.
Cossa, not Etruscan, i. 120. Is occupied by a colony in 473, for the protection of the coast, iii. 544.
Cousins and relations by blood are different, i. *n.* 803.
Courage of warlike nations, is easily broken after a first calamity, but rises more vigorously afterwards, iii. 202.
Cramonians, doubtful name of a people, i. 147.
Crater (bowl), golden, made out of the tenth of the booty of Veii, ii. 485. Taken to Lipara—rescued by Timositheus, dedicated at Delphi, and melted down by Onomarchus, 485, foll. The statement of its weight of eight talents is only typical, 486, foll.
Criminals, who were caught in the act, had their lawful punishment pronounced upon them by the pretor, ii. 371. Until this could be done they were kept in jail, 371.
Croton and its dominion, i. 158. The three hundred there formed the senate, 160. Besieged by Bruttians, was saved by help from Syracuse, iii. 168. Ruined by tyrants, 485. Its early history, 514. Was taken by the Romans by a stratagem, 515. Then overpowered by the revolted Rheginians, 515, 540. Is entirely destroyed, 515, foll.
Ctistæ, their genealogy frequently leads into errours, iii. 178, foll.
Cuma, the expedition of the Tyrrhenians against it, is not fabulous, i. 74. These Tyrrhenians too are not Etruscans, but Italians, thrust forward together with barbarian nations by the migration of other nations, 76. Occupied by an Oscan colony, 93. Independent of Capua, 93. The date of its foundation is much too early; it is not even credible that it was the most ancient Greek colony, 156. The fable of its foundation

must not be explained sophistically, iii. 178. Dependent on Capua, 112. After the Latin war it is in the relation of a municipium to Rome, 144. Receives prefects from Rome, 291. The story about the foundation of Cuma, 177. Its history is fabulous even as late as the third century of Rome, 178. Its era begins from the time when it became Oscan, 178, foll.

Cupra, Tyrrhenian not Etruscan, i. 49.

Curiata lex de imperio, the same as *auctoritas patrum*, i. 336. The origin of it was that one tribe made the election from the other, and that the person elected was approved of by the one that did not elect him; subsequently the third tribe also exprest its acceptance, 341, foll. It afterwards remains a δοκιμασία, or a second examination, 342. Each began with a decree of the senate, 342. With regard to the kings it was the *lex regia*, 343, *n.* 860.

Curies (*Curiæ*). A Cury (*Curia*) contained one hundred householders, or men capable of bearing arms, and a piece of land or century of one hundred heredia, ii. 48, 156. It contained ten decuries, 157. The estates of extinct houses fell to them, 157, 338. The property of an extinct cury went to the populus, 338.—Assembly of the Curies: why the votes were taken according to them and not according to the tribes of the houses, i. 332. The votes of the houses and not of single citizens were counted in them, 332. In the houses the votes only of the patricians can have been counted, 332. Distribution of money in them, ii. *n.* 335. It was necessary for a senatusconsultum to precede their transactions; they had no other right but voting upon it, *n.* 393. They invariably confirmed it, and hence they are often not mentioned at all, 120, 179, *nn.* 254, 391. This confirmation of senatusconsulta was a mere formality, 179. The election of the consuls by them prevented by the tribunes, 186. Their confirmation of the election of the tribunes of the people must have been abolisht before the election of Volero Publilius, 190. They continued to exist after the decemvirate, though their nature was materially altered, 319. Appointed the censors according to the constitution of 311, ii. 387, 397. Their confirmation of the election by the centuries was not a mere form, 426. Curies and senate in opposition, iii. 146. Their veto on the decrees of the centuries abolisht, 148. In case of plebiscita it is transferred from them to the senate alone, 148, foll.

Curio, is in the field a centurio in the Romulian legion, i. 331.

M'. Curius Dentatus, consul in the year 456, triumphs over the Samnites, iii. 410, foll. Subdues the Sabines in a single campaign, 403. As tribune he breaks the insolence of Appius Claudius, 412. Triumvir for the distribution of public land, 414. Possesses a farm in the country of the Sabines, 414. By forming a canal to carry off the water of lake Velinus, he makes the cascade of Terni, 415. Whether he may have had an influence upon the Hortensian law, 420, foll. Appointed prætor in the year 463, in the place of Metellus who was killed, 427. Celebrates an ovation over the Lucanians, 437. Consul in the year 471, he forces the levy by severity, 518, foll. Conquers Pyrrhus near Beneventum, 520. His contentedness, 557. Took only two grooms with him into the field, 557. Dies in the year 476, while he is building a new aqueduct, 558.

Curule honours,—privilege of going in a chariot to the curia cannot have belonged to the consular tribunes, ii. 389.

Curule offices, formerly accumulated, but from the year 408 each could only be held separately, and one and the same could only be held after an interval of ten years, iii. 69. The lower curule offices are in the early times not yet the steps towards the higher ones, 153, *n.* 276.

Custos urbis, proper title of the warden of the city, ii. 112, *n.* 235. It answers to his duties, 119. The president in the first decemvirate, 313.

Cyclic years. See Year.

Cutina, a Vestinian town taken by the Romans, iii. 192.

Cyclopian walls and immense architectural works of nations, concerning which we have no record, i. 174, foll.

Cymry, Belgians, ii. 523. The expeditions against Rome and Delphi

ascribed to them, 524. Those in lower Brittany, did not immigrate thither from Britain at a late time, but had been there from the most ancient times, ii. 523.

DAMARATUS, the tradition about him as ancient as the lay of the Tarquins, i. 357. Brings arts and civilisation into Etruria, 357. As the father of Tarquinius Priscus, he could not have been a contemporary of Cypselus: he is the personification of the idea that Tyrrhenia got its civilisation from Greece, 374. Was originally considered more ancient than the commencement of the Olympiads:—why regarded as a Corinthian:—connected with Tarquinius just as Pythagoras was with Numa, 374, foll.

Danae, the founder of Ardea, indicates that the Tyrrhenians belonged to the Danaans, i. 44, 152.

Daunia, during the Messapian war with the Tarentines, still a kingdom,—afterwards Apulia,—was governed by a few towns, i. 153.

Daunians, are Pelasgians, i. 152. Allied to the Tarentines, i. 150.

Daunus, father of Turnus; points to the Pelasgian origin of the Tyrrhenians, i. 151.

Days of meeting for the plebs and populus were different, ii. 213.

Debt, laws of, must have been restored by the dictatorship, if they were abolisht before, i. 573. Affected only the plebeians to the advantage of the patricians, 573. Reasons for the plebeian order itself allowing them to continue in force, ii. 283. Continues to affect them alone, even after the twelve tables, 332. Laws of debt of the twelve tables, for debts which did not arise from a nexum, 598. The object was to compel the debtor, or one of those who were in his power, to enter into a nexum, 599, foll. Canceling of debts, and the liberation of those who had incurred slavery by forfeiting their pledges, were the terms of the peace with the commonalty, i. 610. For the preservation of landed proprietors it is the lesser evil, 611, foll. By the legal assistance of the state in the year 403, iii. 61, foll. In 408 it was forced by an insurrection, 67, foll; and again afterwards, 417. Licinian law concerning debts: a just view of it, 19, foll. Pœtelian law about debts, 155, foll. 293, foll. Abolition of slavery for debt, 293, foll. Slavery for debt in the private prison of the creditor, ii. 602. Those who were in the power of a person who was enslaved for debt, became likewise debtor-slaves, i. 579. Why debtor-slaves were not sold in Latium, ii. n. 1312.

Decem primi, or decem principes in the Roman Senate, i. 305. Originally the first men of each decury of the Ramnes, 340. From the time that there were consulars, the decem primi were the ten oldest of them from the greater houses, ii. 115. These ten consulars appointed to see the agrarian law carried into effect, 174, n. 380. In the senate of the Latins, 26. Embassadors taken from them 26. Deputed to the seceded plebs, i. 609.

Decemvirate of lawgivers, of which five were to be named by the plebs, demanded in the Terentilian rogation, ii. 286. It is erroneous that the plebs intended to assume the whole legislation, n. 654. The decemvirate is rendered possible by the plebs resigning their right to a share in the board, 311. As a permanent magistracy divided between the two orders, 323. This is even for the patricians of greater advantage than the continuance of the tribunate, 323. Meant in the law of L. Valerius and M. Horatius, 324. Six military tribunes, two censors, two questors of blood united into one board, 325. Object, a failure, 327. It was a synarchy, probably after the model of Athens, 328, foll. The decemvirs would, after the expiration of their time of office, have entered the senate, 329, foll. Were certainly not elected for one year only; probably for five years, 330.

Decemvirate, the first, a decury of interrexes,—probably the five patrician magistrates then in office, and five others, ii. 312. One of them as custos urbis is at the head of the state, 313. This office was held in rotation, doubtless, every fifth day, like that of the interrexes, 314. Intended for legislation, as far as they should think proper to introduce equal rights:

other matters reserved for a mixt board, 313. Term of their office, 314. Their judicial functions, *n.* 716. Completion and ratification of their work, 314, foll.

Decemvirate, the second, composed of members from both orders:—it is an erroneous opinion that this also was an extraordinary collegium, ii. 323. Proved, 324. Free election of it—candidates who wish to overthrow the constitution, 334, foll. Alleged agreement that none of them should receive an appeal from the others, perhaps only means that the majority decided, 340. There is probably exaggeration in the representation of its guilt, 342, foll. Must have been odious to the Romans, because its power produced lethargy, 344. Negotiations about their resignation, 364, foll. Compelled to resign, 357. Why it was never restored, iii 6, foll.

Decemviri litibus judicandis, were, in all probability, originally presidents in the court of the centumvirs, iii. 553, foll.

Decemvirs, accused before the court of the plebs, ii. 369.

Decemvirs for the Sibylline books, half of them taken from the plebeians, iii. 28

M. Decius, belongs probably to the same period as Sp. Icilius, ii. *n.* 528.

P. Decius, saves, as tribune, the Roman army in the Apennine passes, in the year 407, iii. 121. His reward, 122, foll. Consul in the great Latin war, 129. Devotes himself to death in the battle of Vesuvius, 136, foll. Different traditions about the manner in which he died, *n.* 451.

P. Decius, son of the former, commanded the cavalry in the victory over the Samnites in the year 438, iii. 249. Consul in 439, 285. Censor with Q. Fabius (443), and partaker in the important reform of the constitution, 320. The first plebeian that was elected to the augurate, 353. Was probably exempted from the limitations concerning the re-election to curule offices, 365. Consul in the year 449, he defeats the Apulians near Maleventum, 366. In the year 450 proconsul for six months, 367, foll. In 451 consul a second time with Q. Fabius, 374. By his propitiatory death he saves the army in the battle of Sentinum, 383, foll.

P. Decius, the grandson, consul in 467, near Asculum, iii. 502. According to a tradition which Cicero knows, perhaps from Ennius, he too sacrifices himself in the battle of Asculum, 505. According to some he took Volsinii in 482, 546.

Decius Jubellius, commander of the Campanian legion in the war against Pyrrhus, iii. 476. Makes himself master of Rhegium by force, 480.

Declamation *pro domo*, ignorance of its author, i. *n.* 849. His false opinion about the trial of Cæso, ii. *n.* 663, and pretended recall, *n.* 673. About Cæso, Ahala and Cincinnatus, *n.* 929.

Declarations of war, originally resolved upon by the curies, ii. *n.* 412. From the institution of the centuries, no longer legally by the curies alone, 165. This right of the centuries recognised, 427, foll. Resolved upon by the patres, ratified by the tribes, 616, foll. Against Veii refused until satisfaction was given to the plebeian complaints, 438, and after the regulation of the pay, 470, foll.

Decumanus, *limes* which intersects the *cardo*, ii. 627. *Maximus*, 628.

Decurio, captain and senator of a house, i. 319.

Deditio, its meaning, i. 546. Formula, ii. *n.* 345.

Defeat of the legions on the Siris, severely punisht, iii. 499, *n.* 870.

Deities, are conceived in Roman theology as male and female, ii. 102.

Delphic oracle, ordains Greek worship at Rome, iii. 309.

Demes, difference between their original and later numbers, ii. 307.

Demesnes of the kings and temples, ii. 158, *n.* 336. Of the Roman people, cultivated by clients, 163.

Demetrius, the Besieger, complains at Rome about piracy, iii. 423.

Democratic element, the, begins to gain the upper hand at Rome as early as the first Punic war, iii. 563.

Democracy, its real signification, supreme power of the commonalty, i. 408.

Δῆμος, meaning of it with the Greeks:—has misled Dionysius about the meaning of the plebs, i. 584. In Attica it

signified the commonalty apart from the houses, 410. In the fragment of a law of Solon, in the Pandects, a corporation, *n.* 963. At Athens, plebs, ii. 306, foll. Difference between the original and later numbers of the demes, 307. Dion, as well as Diodorus, use it for populus, and both certainly followed Fabius, *n.* 367. Δῆμος and πλῆθος confounded in the account of Coriolanus, *n.* 539.

Demosthenes, the model of Cineas, who had perhaps heard him, iii. 481.

Denarii, of Campanian and Neapolitan coinage, as an expedient for commerce, before a silver currency became general, iii. 552.

Dialects, the more ancient, the more distinctly separated, i. 55.

Dianus and Diana, sun and moon, i. 367.

Dicæarchia, port-town of Cuma, settlement of the Samians, i. 156. An old Greek town in the possession of Capua, iii. 112.

Dictator, the first is stated differently, i. 563.

Dictatorship, Latin magistracy, which existed in Alba, in the Latin cities and for all Latium, i. 563, foll. Was the earliest magistracy in Latium, ii. 32. Why at Rome its term was six months, and why it had twenty-four lictors: at first probably different from the office of magister populi:—object of this office, i. 564. Directed against the commonalty: the houses obtained afterwards the right of appeal to their equals, 565. From the end of the fifth century abolisht as an essential office, hence its relations and its power quite obscure to the later Romans, 565. It was not till that period that the dictator was appointed arbitrarily by the consuls, 566. Originally he was nominated by the senate and appointed by the populus, 567, and then he received the imperium from the curies, 568. Frequently the election by the senate only is mentioned, ii. *n.* 1254. How the election by the curies became superfluous and was abolisht, and how the usurpation of the consuls in appointing them arose, i. 569. It was only pretorians that could be elected: consequently those also who had been prætores urbani, but not yet consuls, 569. Transferred to the plebeians, iii. 47. Frequently repeated in order to keep down the claims of the plebeians by force, 49. Depends upon a previous resolution of the senate, 246, 607.

Dies Aliensis, was, according to the ancient calendar, both *postridie idus* and *a. d. xvii. Kal. Sext.* ii. *n.* 1179.

Dies fasti, court-days. Their number, like that of the nundines, remains even in the twelve months' year; then increast; iii. 314.

Diets, probably continued to be held by the conquered Italicans, iii. 529, foll.

Difference, in the accounts about the campaign of the year 452, iii. 288, foll. About the liberation of the prisoners by Pyrrhus, *n.* 872. Of the alleged attempt to poison Pyrrhus, 508, *n.* 890. Of the punishment of the mutinous Campanian legion, 541, foll. *n.* 983. Of the events of the years 487 and 488, *n.* 1059, 582, foll.

Diocles of Peparethus, by no means to be considered as the source of the legend about Romulus, i. 212.

Diodorus, emended, (v. 32), ii. *n.* 1160.—(xiv. 98), ii. *n.* 1079.—(xiv. 98); *n.* 1086.—(xiv. 101), i. *n.* 303.—(xiv. 113), ii. *n.* 1185.—(xiv. 117), *n.* 1225.—(xv. 51), *n.* 1324.—(Exc. de sent. p. 4), i. *n.* 77.—Gaps in book xiv. between chapters 113 and 114, ii. *n.* 1127. Doubts as to whether he could have written εἰς Ῥώμην instead of ἐν Ῥώμῃ, *n.* 1225. The manuscript from which the extant manuscripts have been derived was damaged, and the gaps plastered over by somebody, *n.* 861. His era for the foundation of Rome, i. 269. On the invasion of the Gauls, ii. 513, foll. Has only one year of anarchy, *n.* 1249. Leaves out after 331 five magisterial years for the purpose of relating the capture under Ol. 98, 2—returns in his xv book to the chronology, according to which the military tribunes of 365 fall in Ol. 99, 3, ii. 562, *n.* 869. Crowds a great many events into the pretended year of the conquest, because in the five following ones he repeats the magistrates, *n.* 1281. Borghesi has pointed out this repetition, *n.* 1241. Differs from Livy, iii. 231, 233, 237. Altogether different in the history

of the year 437, 244. So also in the year 439, iii. 250, foll. 257, 261, 279. His account, probably from Fabius, is more credible than that of Livy, 227. His narrative about the beginning of the third Samnite war is lost, 357. His Fasti, *n.* 395. His text frequently corrupt, and the gaps in it covered over, *n.* 297. An emendation in Diodorus, (xx. 26,) defended, *n.* 429. Emended (xx. 90), *n.* 458. (xx. 35), *n.* 488. He had speeches in the history of Pyrrhus which is not usual with him, *n.* 848.

Diomedean islands, reckoned to belong to Ombrica, i. 144.

Diomedes, traditions about him in the south of Italy, i. 151.

Dion Cassius, relies upon Fabius, ii. 12. A conjecture about Exc. de sentent. p. 151, *n.* 802. Exc. de sentent. p. 152, emended, *n.* 910. Entirely independent of Livy, iii. 426. Living in a degenerate age he was, indeed, without belief in virtue, but he himself was not a bad man, *n.* 846. He declares the cruel death of Regulus to be a mere fable, 599.

Dionysius of Halicarnassus, emended, (I. 19,) i. *n.* 7.—(I. 74), *n.* 656.—(II. 47), *n.* 1143.—(IV. 14), *n.* 1079.—(IV. 15), *n.* 973.—(V. 61), ii. *n.* 21.—(VI. 45), i. *n.* 1331.—(VIII. 19), ii. *n.* 593.—(IX. 41), *n.* 502.—(X. 48), *n.* 497.—Completed (VI. 69), *n.* 247. — Conjecture (on IX. 69), *n.* 260. Erroneous addition (VI. 69), refuted, i. *n.* 1345. Corrupt (I. 34), *n.* 273. Correctly emended by Gelenius (VIII. 87), ii. *n.* 410.—As far as Appian was able to abridge him, and Plutarch in his Camillus, his narrative is to be considered as preserved:—extracts which Mai has publisht, *n.* 916. Misunderstands the plebiscita, which had to be confirmed by the patres, 220, foll. When he wrote the second book, he believed that the decrees of the curies originated with them, and went to the senate only to be sanctioned, *n.* 500; he afterwards, however, took the right view of the matter, *n.* 393. He constantly looks for the aristocracy in the centuries, 179. He therefore supposes that the demos, to whom the ordinance of the senate was sent to be ratified, was no other than the assembly of the centuries, 223. Looks upon the curies as democratical, 181, 222, and therefore uses the contrary expression, *n.* 417, 425. Often perverts the most genuine accounts for the purpose of explaining them according to ideas essentially wrong, 13. Placed the Gallic immigration into Italy in Ol. 97, 513. Supposed that Clusium had been their goal, 513, foll. Appears to have added the document about the Latin alliance after he had finisht his work, 50. Differs from Livy, iii. *n.* 313. Is often supplied by Appian, 353. Has an exemplary precision in his expressions, 259, *n.* 321. Concerning the time of the change in the comitia of the centuries, he is most decidedly mistaken, 343. Mai's Excerpta from him are without any great value, and have been altered in various ways, *n.* 934. For the history of the war with Pyrrhus he used contemporary authorities, *n.* 844.

Dionysius of Syracuse, was mentioned in the chronicles in the age of Coriolanus, on account of his having presented corn in 344, ii. *n.* 200. Affords assistance during the scarcity in 344, — Ol. 94, 2, — 567. Piratical expedition against Pyrgi, 493. Concludes a treaty with the Gauls, iii. 75, 180. A dangerous enemy for the Greek towns in Southern Italy, 160. Especially dangerous to the Neapolitans, 180.

Discedere, to go away, ii. *n.* 478.

Discount business, is in the earliest times foreign to the Romans, iii. 59.

Disturbances down to the Licinian law, arose from the impoverisht condition of the people, which was the consequence of the Gallic conquest, ii. 596.

Ditch of the Quirites, fortified between the Cælian and the Aventine, i. 391.

Divorce, was in the early times not so unusual among the Romans as it appears according to the common accounts, iii. 354, foll. It was possible even in consecrated marriages, 354, foll. i. *n.* 635. Punishment inflicted for it, explained from the rate of interest, iii. 60.

Diyllus, an historian, his work contained an account of the life of Alexander of Epirus, iii. *n.* 296.

Documents, original, were the sources of late Greek historians, i. 248. Very few were preserved at Rome from the ancient times, as far as they are mentioned, 248, foll.

P. Dolabella, completely defeats the Senonians in the year 463, iii. 429, and probably in the same year, in conjunction with Cn. Domitius, the Boians on lake Vadimo also, 429. Embassador to Pyrrhus, 500.

Dolopians, were Pelasgians, i. 31.

Dominia, table-vessels of noble metal, the expression explained, iii. *n.* 1022.

Cn. Domitius, sues for the curule edileship together with Cn. Flavius, iii. 317. Consul in 463 he defeats the Boians, 429. In the year 466 he is the first plebeian censor who concludes the lustrum, 556.

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Drepana, from the year 495 it forms together with Lilybæum the only possession of the Carthaginians in Sicily, iii. 598. Great defeat of the Romans in its harbour, 605, foll.

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C. Duilius, consul in 486, goes with the fleet to Sicily, iii. 576. Invents the boarding-bridges and hooks, 577, foll: Gains a brilliant naval victory off Mylæ, 578, foll. The honours of his triumph and after it, 579.

M. Duilius, ex-tribune, his advice to the commonalty, ii. 355. His plebiscitum concerning the election of consuls, 360. Another against the creation of magistrates without appeal, and the omission of the elections of tribunes, 369.

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Ecetranians, conclude peace in 287, which they kept till 290, ii. 247.

Eclipse of the sun, at the death of Romulus, i. 234, *n.* 641. About the year 350, 251, *n.* 675.

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Egeste (Segesta), receives the Romans within its walls in the first Punic war, iii. 569. Besieged by the Car-

thaginians, 576. Relieved by the Romans, 579. After the war free and exempt from taxes, 617. Receives presents in lands, 617.

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Elea, settlement of the Phocæans:—its intellectual importance, i. 159. Excluded from the embassy of the Italietes to Pyrrhus, iii. 445.

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Elpenor, his tomb at Circeii, i. 186.

Elymians, were Trojans, i. 170. According to Hellanicus they came from Italy, 170.

Emancipation of children, its principal cause was the fear of an addictio, i. 580.

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Embassy of the Romans, to Athens for the purpose of obtaining information about its laws is historically certain, ii. 304, foll. To Alexander the Great at Babylon is not incredible, iii. 169. Of the Samnites to Rome for peace, 203, foll. Of the Romans to Epidaurus, to fetch Æsculapius, 408, *n.* 690. To the Gauls in the year 463, 427. The embassy to Tarentum shamefully insulted, 440, foll. The embassy to Pyrrhus in Epirus consisted, it appears, only of Italian Greeks, and not of Italicans, 445. That of Cineas is placed by some after that of Fabricius, *n.* 844. Embassy of Fabricius to Pyrrhus, for the exchange of the prisoners, 500, foll. Of Fabius Gurges and others to Ptolemy Philadelphus, 548.

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Enna, invites the Carthaginians, iii. 580. In 488 it is reconquered by the Romans, 582.

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Equestrian Centuries, twelve of Servius Tullius, formed out of the noblest and wealthiest of the commonalty, i. 435, foll. As to the patricians, who were in the *sex suffragia*, wealth was not taken into consideration, 436.

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Era, upon what its use depends, i. 262. Different ones suited to different countries. Eras from the foundation of a town were customary in other places of Italy, but at Rome not before Augustus, 236. *Post reges exactos*, on the contrary, frequently used, 263, foll. The era from the dedication of the capitol mixt up with that from the expulsion of the kings, 266, foll. It was indicated by the annual nail driven into the wall of the temple on the ides of September, 500.

Erarians, were originally those whom the censors had removed from any rank, ii. 399. Did not serve in the legions: hence it was fair, that a higher tribute was exacted from them, i. 472. They were not entitled to provide themselves with a panoply, 475. The ἰσοστάσιοι and ἄτιμοι were comprehended under this name at Rome, ii. 55. They were admitted into the tribes by the decemvirs, 319. From the time that the tribes contained the whole nation, a patrician too, when he had incurred ἀτιμία, might be placed among the erarians, 402. Their admission into the plebs jealously refused, iii. 296. Were united in corporations of their own, 297. They vote in the centuries, 321. In the fifth century their number increast considerably and dangerously, 323. By the law of Fabius and Decius concerning elections they were excluded from the comitia of the centuries, 326, foll.

Eratosthenes, in his time tradition was mixt up with history, iii. 178.

Erbessus, affords stores to the Romans in Sicily, iii. 571. Falls into the hands of the Carthaginians by treachery, 571.

Error, perhaps instead of *delictum*, in Livy (viii. 6), iii. *n.* 569.

Esoteric books, what they were, i. *n.* 39.

Esquiliæ, Servius erected buildings and increast the population there, i. 393, foll. Its different hills, ii. 86.

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Etruri, the simple form of Etrusci, i. 112.

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433. The communication by land between it and Rome cannot have been altogether impossible, 279, foll.
Etruscan, origin of the Romans, has been presumed rashly, i. 384. Much that passes for Etruscan is Tyrrhenian:—other things may be explained from external influence, 385. Annals, 137. Architectural works executed by bondmen, 129. Their style is not exclusively peculiar to the Etruscans, 130. Their books still read at the time of Lucretius, *n.* 341. Historians, Flaccus and Cæcina, 116. Inscriptions shew no trace of any rhythm, 135. Arts ennobled by those of the Greeks, 133. Their similarity to those of Tuscan art in the middle ages, 134. The Etruscan style continues to be very severe down to the middle of the fifth century; does not become softer till afterwards, 134. Literature and language studied by the Romans in the fifth century, 141. Nation, its decline, 139. Alphabet, 136. Language has no affinity with any other; up to the present time only about two words made out, *n.* 342. Cities were united only by slender ties, but not at feud with each other 126. Sciences of astronomy and aruspexes, 137, foll. Taught in their schools for priests, 137. Numbers, remnant of hieroglyphics, 136. Twelve cities south of the Apennines, 117, foll. Maritime towns continued to have a navy, perhaps down to the second Samnite war, iii. 238.
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FABII, of Remus, i. 222.
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Fabius, who fought as ambassador before Clusium, was not a consular tribune himself but the son of one, ii. 536.
Cæso Fabius, as questor, impeacht Sp. Cassius, ii. 168. His second consulship not confirmed by the centuries, 188. Deserted by his army, 196. His third consulship bestowed by the centuries, 189. He demands the execution of the Agrarian law in vain, 192. At difference with the Oligarchs he marches to the Cremera, 193, 195.
C. Fabius, master of the knights in the year 434, in the place of Q. Aulius who was slain, iii. 230.
C. Fabius Pictor, paints the temple of Salus for Junius Bubulcus, iii. 356.
M. Fabius, his second consulship, ii. 188. Resigns in order not to hold any illegal election, 189. Campaign against the Veientines, 197. Bloody victory without a triumph, 198.
M. Fabius Ambustus, father-in-law of L. Licinius Stolo, iii. 2. Is to be distinguisht from the interrex of the same name in 394, *n.* 85.
Num. Fabius, son of the painter, embassador to Ptolemy Philadelphus, iii. *n.* 999.
Q. Fabius Pictor, wrote for the Greeks; the accusation of his partiality to the Romans is unfair, ii. 8. His conception of the constitution was absolutely correct, 12. Diodorus has taken his Roman history from him, *n.* 367. His era of the foundation of Rome, i. 268. Placed the taking of Rome in Ol. 99, 3, ii. 562. Counted the year of the first plebeian consulship as the eighteenth from the taking of the city, 562, foll.
Q. Fabius, his victorious campaign against the Volscians, ii. 176. Bestows the spoils of it upon the curies, 177. Second consulship, 186. Falls in the battle against the Veientines, 191, 193.
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foll. Conquers the Hernicans near Allifæ in 440, 252. Defeats the Etruscans near Sutrium in 439, 278; yet not as decisively as Livy relates, 280. He marches through the Ciminian forest, 280, in order to draw the Etruscan army from Sutrium by a diversion, 281. He sends his brother to Umbria to conclude treaties, 281. Contrary to the command of the senate he penetrates into Etruria and ravages the country, 282. Beats the Etruscans near Perusia, 283. According to Livy on lake Vadimo also, 284, foll. Celebrates a brilliant triumph, and is elected consul again in the year 439 contrary to the rule, 285. Was certainly opposed to the factious spirit of Appius the Blind; 303. Censor with P. Decius in 443, 320, and derived the surname of Maximus from the important consequences of this censorship, 321, 348. Probably the author of the new constitution of the centuries, 345. He found a favorable time for his reform, 348. In the year 449 he is again consul, the law being probably set aside, 365. He conquers on the Tifernus, 365, foll. His maxim was to save the reserve till the last, 365, 382. In 450 he stands as proconsul in Lucania, 376. In the threatening danger of the year 451 he is again elected consul with P. Decius, 373, foll. His dispute with him before the battle of Sentinum is probably an idle invention, 375, foll. Wise plan of his campaign, 380, foll. Gains the great victory near Sentinum, 384, foll. Leads the army back across the Apennines, 387. Triumphs in September 451 over the four nations, the Samnites, Etruscans, Gauls and Umbrians, 387, *nn.* 643, 648. Being sent to assist his son in the year 454 he gains a decisive victory over the Samnites, 398, foll. He dies soon after, and the people voluntarily contribute towards his funeral, 401, 558.

Q. Fabius Gurges, son of Q. Fabius Maximus Rullianus, consul in 454, is disgracefully defeated, iii. 397. Deprived of his command, 398. Is supported and saved by his father, 398, foll. In 455 he is proconsul against the Pentrians, 400. Yielded to the arrogance of L. Postumius, 400. He falls in 481 in the assault upon Volsinii, 546. In 473 Princeps Senatus and embassador to Ptolemy Philadelphus, 548. Applies the gifts for the burial of his father to a feast for the people, 558.

Fabrateria, seeks the protection of the Romans against the Samnites in 420, iii. 174.

C. Fabricius, made prisoner during an embassy, perhaps to Apulia; iii. 436, foll. Defeats the Lucanians and Bruttians while he relieves Thurii, 437, foll. Gains rich booty, 438. Triumphs, 440, *n.* 759. Embassador to Pyrrhus, 500, 502. According to some annals he was wounded in the battle of Asculum, 504. Consul in the year 468, 508. Subdues the revolted Italicans, and celebrates a triumph, 513. Censor in 471, 556. The history of the contentedness of Curius is transferred in Gellius to him, *n.* 1023. Is buried within the pomœrium, 558.

Factio forensis. See *ἀγοραῖος ὄχλος.*

Faernus, Gabriel, is compensated by the friendship of Michael Angelo for the hatred of the pupils of Pantagathus, iii. *n.* 561. He is probably the author of the correct view concerning the change of the centuries, 334.

Fæsulæ, probably a soverain city, i. 121. Its theatre is not an amphitheatre, iii. 311, *n.* 531.

Fagutal, suppositions about its situation, i. 390.

Falernian district, an old possession of Capua, and especially of its knights, iii. 112. Assigned to the plebeians after the Latin war and secured by the capture of Cales, 173.

Faliscans, were Æquians, i. 72. Allies of the Fidenates, ii. 456. Defeated by Camillus:—peace with them, 491. Fabulous account of the treacherous schoolmaster—their voluntary deditio incredible, 492. Are at war with Rome in the year 393, iii. 84. Are not a Chalcidian colony, 179. Do not take part in the Etruscan war, 276. In 453 they revolt against Rome, 405. After having in vain purchased a truce they are subdued in 454, 406.

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Family-records, did not go back further than the beginning of the republic, i. 253.
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Fasces, are said to have been first the insignia of the senior consul, i. 499, who however must have been the consul major, *n.* 1143.
Fasti, at the commencement of the republic very uncertain, i. 264, foll. Difficulty in making them agree with the era, 265, foll. Means for doing it, 266. The hope of restoring them by a happy discovery not to be given up, iii. *n.* 930.
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Fatales Libri, were in the keeping of the duumvirs, besides the Sibylline books, i. 507. Existed in all Greek towns, 508.
Favissæ, the ancient, quarries in the Capitoline hill, iii. *n.* 524.
Felsina, i. 118.
Ferentina, spring of, place of meeting for the Latins, ii. 34.
Ferentinum, retaken from the Volscians, ii. 465. Faithful to the Romans, iii. 254.
Ferentinum in Samnium, taken in 450, iii. 368.
Feretrum, a town in the country of the Marsians (uncertain), iii. 389.
Fertility of Latium, iii. *n.* 14.
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Festive games, the great ones are increast by one day for the commonalty after the Licinian law, iii. 35. Were solemnised down to the first Punic war at the expense of the state, 35.
Festivals, great ones, the number of their days corresponds to the number of the parts of the nation, ii. 35.
Festus, emended: s. v. *Roma*, i. *n.* 597. *Tuscum vicum*, *n.* 925. *Municipium*, ii. *n.* 118. *Possessiones*, *n.* 300. *Tributorum*, *n.* 1322. After *novalis ager*, *novem adversarii* supplied, *n.* 265. Completed, iii. 60, *n.* 109.
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Fidenæ, Tyrrhenian, not Etruscan, ii. *n.* 998. Its history: a Roman colony, 455. Expels the colonists; taken by A. Servilius, 456. Fresh revolt, the colonists slain, the embassadors arrested, 457, and killed by order of Tolumnius: Fidenæ destroyed, 457.
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Firmum, in the country of the Picentians, was establisht as a colony in the year 483, iii. 545.
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Flaminian Circus, its site; the plebs assembled there, ii. 360. The plebeian games were undoubtedly held there, 36.
Cn. Flavius, tribune, proposes the destruction of the Tusculans, iii. 199.
Cn. Flavius, a freedman and scribe, one of the most distinguisht men of his time, iii. 299, foll. Is the first who sets up a law-calendar concerning the dies fasti, 315. Is also the author of the legis actiones, in which the legal forms were accurately described, 316. He was supported in this task by Appius Claudius, 316. Elected curule edile, 316, foll. Perhaps also tribune, 317. He himself probably cured the discord between the higher and lower orders by his withdrawal, 318, just as he repaid patrician haughtiness, 318, foll.
Fleet, its first formation among the Romans, iii. 241.
Florence, very ancient chronicle of it, i. 43, foll. ii. *n.* 9. A colony of Sylla, not Fæsulæ, i. 135. Division into guilds and banners, ii. 317, foll.

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C. Mænius, the first tribune who made use of the power of his office, ii. 185.
C. Mænius, conquers the Latins on the Astura, in the year 412, iii. 140. A statue is erected to him, 145. In 432, dictator to institute inquiries into plots and conspiracies, 291, foll. Defended against a charge of Livy, *n.* 500. Lays down his office, 292. In the year 435, dictator against Capua, 232. Probably the author of the Mænian law, 421.
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Magna Græcia, so called on account of the growth of a numerous Greek population in Œnotria, i. 61. Remained Greek until the fourteenth century — remnants of Greeks still extant, 62. Suffers under manifold wars, iii. 434.
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Maleventum, the extreme point of the campaign of 428, iii. 210. Refuge of the defeated Samnites, 235. Here Decius, in 449, defeats the Apulians, 366.
Mallio Capitolinus, tale about him, ii. *n.* 1345.
M. Mallius, a literary quack, i. *n.* 7.
Malugo, a Latin place become unknown, i. *n.* 765.
Mamertines, Sabellian mercenaries after the death of Agathocles, iii. *n.* 211. Attack Pyrrhus after his return from Sicily, 516. Those of Messana ravage Sicily, 561. Reduced by Hiero, 562. Divided into a Punic and a Roman party, 562. Subsequently they are the allies of Rome, 582. Their republic remains independent even after the first Punic war, 617.
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Mancipi, only the ancient pronunciation and orthography for *mancipii*, i. *n.* 1044.

Manipular legion, its organisation, iii. 97, foll.

Manius, abbreviation of it, i. *n.* 1199.

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L. Manlius, consul in 490, gains with Regulus a victory near Ecnomus, iii. 583, foll. Is called away from Africa, 586.

L. Manlius Vulso, consul in 496, begins the siege of Lilybæum, iii. 602.

M. Manlius, certainly an enemy of Camillus even before the Gallic period, ii. 504. Saved the Capitol, 548. Called Capitolinus, not on that account, but because he had his house there, *n.* 1214. Account of his having recommended a garrison to be placed, and of his having had the command there, 548. His pretensions, character, mortification, 605. Redeems a debtor, 607; and afterwards devotes his whole fortune to that purpose:—*patronus plebis*, 607. What he demanded for the plebs, 608. Imprisoned, then set at liberty, 609. Accusation of the tribunes, for what object, 610. Discharged, 611. The sentence not postponed:—new accusation before the curies, 612. They outlaw him, 613. Manlius took the Capitol, is hurled down by treachery, 613. False accounts of his death, 614. The people mourn for him, 615.

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Manufactures of cloth and dyeing, are especially favorable to the maintenance of a large city population, iii. 161.

Manumissio, by *vindicta* and the *census*: difference of their legal consequences, i. 594, foll.

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cian houses refuse him the triumph over the Tarquinians, 85. First plebeian censor, 50, 62. Consul in the year 393, 62; in the year 403, 62; and again in 405, 63.
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Megacles, sacrifices himself for Pyrrhus in the battle near Heraclea, iii. 477.
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T. Menenius does not support the Fabii; is defeated, ii. 203. Is accused for the purpose of obtaining a declaration of his guilt; is condemned and dies of a broken heart, 207.
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Plebeian, most ancient laws, attributed to Ancus, i. 354. Agrarian centuries, of a hundred *actus*, fifty jugers, seven farms, ii. 163. Offices, protected by the Valerian law, 368. Resolutions, which are the subjects of their concilia, i. 429. Families in patrician houses occur even before the decemvirate, at a time when we cannot think of a patrician going over to the plebs, ii. *n.* 756. Farms of seven jugers, 163. Assignment of them after the banishment of the Tarquins, i. 529. Rights restored after the fall of Tarquinius, 496. There must have been plebeian senators as early as the year 334, ii. 432. Excluded from the patronate, i. 327. Their misery, and insolent treatment, 583. Dionysius represents them in a false light; not so Livy, 584. They may not have had a decided numerical preponderance in the nation about the year 260, 597. Their moderation when victorious, ii. 211, 220. Their right of bringing patricians to punishment who had wronged them, seems to have been positively recognized before the year 280, *n.* 468. Their greatness in Roman history, iii. 10, foll. Are undoubtedly entitled to the possession of ager publicus, 18, *n.* 13. Appear even as mediators of peace in seditions, 47. Eligible to both the

places of the consulship, certainly as early as the year 533, 70. Their number in the senate increases, 146. They quickly learn the science of the priestly offices to which they are admitted, 353.

Plebes or plebs of the Romans, what it really was, i. 585. Analogy with Ireland, the Pays de Vaud, and Florence, 586, foll. The members of it were obliged to have two free ancestors, iii. 205, were essentially proprietors of real estates and free country people: artisans were excluded, i. 587, foll. Its true origin by Ancus, 354; although there must have been elements of it in the three original cities, to which afterwards new elements must have been added from the country, 410. Formed from a portion of the Latins by Ancus, 411. Noble houses also in it; perhaps considered the king as patronus, 411, foll. Were under no other clientship, 413. Not regularly organised as a body before Servius; arrangement by newly formed parts as at Athens, 414. Liberties which it received by the legislation of Servius, 430, foll. Appeal to its own body, pledging of the person abolisht, 431. Its deliberations at first always originated in its own assemblies, without the previous proposal of the senate, ii. 221. Its altered nature after the decemvirate; the clients are included in it, 320. The old colonies incorporated in it, 320. Abolisht as an order by the decemviral legislation, 322. Its concilium abolisht, 340. Its courts of justice restored after the decemvirate, 369. A plebs existed in every Italian town, 450, *n.* 986. Jealously opposes the admission of the erarians to its rights, iii. 296. The Plebs urbana, separated by Augustus from the tribes, perhaps occasioned the errour of Dionysius respecting the comitia of the centuries, 344.

Plebiscitum. It must have been impossible to bring forward again, within a certain time, a plebiscitum to which the patres had refused their sanction, ii. 286, foll. The sanction by the patres occurs in the story about Camillus, 550. In what cases it was necessary for a Senatusconsultum to precede plebiscita and in what not—they had, before the Hortensian law, no legal power without the approbation of the patres, 221. The influence of the senate, however, over them was increast, 225. They became law by the consent of the patres, the senate, and the curies, 223, 225. Not by that of the senate alone, 224. From the year 298 the senate was obliged to take them into consideration, 301. Placed upon an equality with the resolutions of the centuries, 364. Their binding power as laws depended upon the sanction of the curies down to the second Publilian law, 365. The consent of the plebs on the other hand made a resolution of the patres a law, 366. Reasons for choosing this course, 366, foll. Difference in the meaning of the three laws which are said to have given to the plebiscita a binding power in the case of all plebeians, 367, foll. After the restoration of the tribunate of the people, 361. Doubts as to whether an enactment made on the proposal of the tribunes is a law or a plebiscitum, 365. Proposed by the senate alone without any interference of the curies, iii. 148.

Plebitas, i. *n.* 981; ii. *n.* 358.

Plestina, a Marsian town conquered by the Romans, iii. 267.

Πλῆθος or Ὅμιλος, Dio calls the plebs by this name, certainly after Fabius, ii. *n.* 367. Dionysius, on the contrary, uses it of the curies, just wrong, *n.* 417.

Pliny, the elder, is without vanity as to the early history of Rome, iii. 169.

Plistica, in Campania, conquered by the Romans, iii. 227.

Plutarch, (Cimon, c. 16), emended, ii. *n.* 626. Emended, iii. *n.* 811. Follows Dionysius in the life of Pyrrhus, *nn.* 844, 872.

Pœdiculi, (Pœdi, Pœdici,) are Peucetians, i. 151.

Pœtelian law, abolisht *nexum*, but not the *addictio*, i. *n.* 1276. After it chains and fetters only remain as a means to compel those condemned to pay a fine, iii. 157; for the abolition of slavery for debt, was probably past in 435, and not in 424, 155, 293. Its important consequences for the change in the relations of the classes, 324.

Pœtelius, consul in 389, conquers the Gauls, iii. 77, foll.

C. Pœtelius Libo, consul in 424, dictator in 435, author of the law concerning slavery for debt, iii. 156, 293. But he is not the conqueror of the year 435, 236.

C. Pœtelius, son of the former, was defeated in his suit for the curule edileship by Cn. Flavius, iii. 317.

M. Pœtelius, consul in 434, gains a victory near Caudium, iii. 234, without obtaining a triumph, 235.

Poetry, its last trace in Roman history, iii. 437.

Poets, popular, always describe splendour and wealth, i. 544, *n.* 632.

Πόλις, and Πολίται, originally in opposition to δῆμος; and synonymous with populus, i. *n.* 1295.

Πολιτεία κατά, ii. *n.* 120.

Polity, combination of aristocracy and democracy; i. 409.

Pollia tribus, the same as Publilia, i. *n.* 977.

Polyænus (i. 29, 2), not to be altered, i. *n.* 821.

Polybius, Cicero's historical accounts in his work on the Republic were taken from him, i. 238, *n.* 1014; particucularly the years of the kings, 242. His era of the foundation of Rome, 267. Not valued by the rhetorical age according to his merits, and not made use of by Livy till he reacht the Punic wars, 533. The first edition of his work is to be placed about the beginning of the seventh century, iii. 42. For the earlier times he is not so safe a guide as for the later, 70. Is unacquainted with the treaty between Rome and Carthage of the year 402, 87. Mentions the peace between the Romans and the Gauls, 171. Is certainly not mistaken about it, 172. Concerning the Gallic invasion of 447 he is a better authority than Livy, 288. With his carefulness, he would have mentioned the distinction of the classes, if he had known them as still existing, 337, foll. His dissertation upon the tactics of the Romans, however excellent, is yet not quite clear to us, 465. Emended (Exc. de Sent. pag. 381), i. *n.* 533. Conjecture on III. 22, *n.* 1183. Emended (i. 20, 9), iii. *n.* 1053.

Pometia, was not destroyed by Tarquinius, i. 513. Was not situated in the marshes, 513, foll. Destroyed in the war with the Auruncans before the year 261, ii. 90.

Pomœrium, of Romulus, is the circumference of a suburb, or borough, in the lower district about the city, i. 288. Wall and ditch of Romulus on its course, 227. Was in ancient times extended on account of the tribunician protection, iii. *n.* 330.

Pompeius, Trogus, upon the invasion of the Gauls, ii. 514.

Pomptina tribus, iii. 94.

Pomptinian marshes, a bay behind the downs, certainly not a district swallowed up, iii. 521.

Pomptinus ager, the slope of the hills above the marshes, ii. *n.* 197. Not the marshes:— Satricum, perhaps, comprised in it, *n.* 1288. Assigned, 616. Is probably the rich corn land at the mouth of the Liris, iii. 521.

Pontia, a colony in the Pontian islands, founded in 436, iii. 238. The place is not called Pontiæ, *n.* 419. Probably establisht against Tarentum, 238, foll. Contemporary with the formation of a fleet, 241.

Pontifex, attended to matters of conscience, i. 326. Pontifex maximus presides over the election of the tribunes of the people after the second secession, ii. 357, 359. For what reason, 360. The number of pontiffs was four, like the augurs, i. 302, foll. They exercise the δοκιμασία, *n.* 857. The pontifices minores were in the early times probably those of Lucerum, *n.* 775. Are in possession of the knowledge of the court-days and formulas; iii. 314, foll. By the Ogulnian law four were added from the plebeians, and thus their whole number was increast to eight, 351, foll. Their power, 352.

Pontificate, always remained peculiar to the two most ancient tribes, and therefore limited to four persons, iii. 350, foll.

C. Pontius, Samnite dictator at Caudium, iii. 215. Probably educated by Greek philosophy, 216. His generosity towards the Roman prisoners, 217. Through his influence he saves the three hundred Roman hostages, 222. In the year 454 also, he is at the head of the Samnites, 397. Defeats Q. Fabius Gurges, 397. Is made prisoner, 399; and is put to death, to the disgrace of Rome, 217, 400.

Pontius, the father, his advice to his son after the battle of Caudium, iii. 215, foll. Is introduced as one of the speakers in a dialogue of Nearchus, *n.* 373.

M. Popillius Lænas, appeased a sedition in the year 391, and thence derives his surname, iii. 46, foll. Conquers the Gauls in the year 400, 78, foll Gets C. Licinius punisht for possessing more of the public land than the law permitted, 413.

Poplicola, the name refers only to the populus, i. 530.

Population of Rome, much diminisht by the first Punic war, iii. 613.

Populifugia, legend about it, ii. 573.

Populonia, colony of the Volaterranians, i. 116. Seat of the Etrusco-Gallic war, iii. 430.

Populus, at a later period used for the assembly of the centuries, i. 425. Used by Livy also for the plebs, *n.* 993. *Populus Romanus Quirites*, (instead of *Pop. Rom. et Q.*), the Romans of the Palatine and the Sabines of the Quirinal, 294. The corruption of *populus Romanus Quiritium* was in use even before Livy, *n.* 752. *Populus* and *plebes* formed, from the time of Servius, the Roman state, 424, 428; *nn.* 983, 984, 992. Private patricians receive from the first consuls the permission to speak before the assembly of the populus, i. 529. It could only make a resolution upon a preceding Senatusconsultum, and thus differed from the plebs, ii. 221. Considered by Dionysius as a democracy, 222. Assembles in groves, *n.* 1337. Its concilium decided between the Ardeans and Aricinians, 449. Populus instead of plebs, iii. 149.

Porsena or Porsenna, indifferent, but the penultima is not short, i. *n.* 1200. Cicero does not consider his war as belonging to the attempts to restore the Tarquins, 541. Tacitus has preserved the truth about the peace with him, 546. *n.* 1213. The city was surrendered to him as his property, 547. At that time, probably, one third of the territory taken, the remainder subjected to the payment of tithes. Rome disgracefully disarmed, 547, *nn.* 1216, 1217. Rome pays homage to him, by surrendering the royal insignia, 548. Traditions about the chivalrous conduct of Rome to him, 549, *n.* 1222. Sale of the property of Porsenna—mythic hero of Etruria—his tomb quite fabulous, 551; *n.* 405. In the war against him, that of Veii of the year 277 is reflected, 551, foll. His camp and provisions, ii. 205.

Porta Flumentana, in the wall which ran from the Aventine to the capitol, iii. *n.* 525.

Porta Janualis, closed the *clivus* of the Carinæ, i. 288, foll.

Porta Nævia, its situation, ii. *n.* 462.

Porta Trigemina, iii. 307, *n.* 527.

Posidonia, a colony of Sybaris, i. 158. Obliged to receive a barbarian colony, iii. 160.

Posidonius, Appian took his account of the public land from him, ii. *n.* 104, 273. Is followed by Diodorus in his account of the wars of the Celts and Iberians, *n.* 1151. On the Celts, *n.* 1157.

Posilipo, on its western declivity Palæpolis was situated, iii. 180, foll.

Possessio, according to the definition of Ælius Gallus—according to Javolenus—and others in Festus, ii. 143. Object of possession, *n.* 283. Is invariably mentioned in speaking of the use of public land: possession and renting are contradictory notions:—it is mentioned as transmitted by inheritance or sale, ii. 134, *n.* 275. *Possessio* and *possidere* are technical terms for the share an individual had in the *ager publicus*, 142, *n.* 297. This was always precarious, and could be taken away by the republic at will, 146. It was lost, as if destroyed by a disaster. Evictio was not valid against the seller, 146, foll. Could never become property by *usucapio*, 144, foll. Could not be transferred like other property by right of succession; hence the pretor assigned the possession of such lands, 153. Possessions on the military frontier were changed into real property by Honorius and Theodosius, *n.* 311. Right of possession after conquests, iii. 177.

Possessorial interdicts, gave security to possessions, ii. 150, foll. Mention of them in reference to public land, *nn.* 314, 315; but they certainly did not concern that alone, 152.

Possessores, in the later times of the emperors, a class of officials, analogous to the ancient scribæ, iii. 300.

Postulatio judicis, ii. 370, foll.

A. Postumius, is probably named instead of another dictator, as victor in the battle on lake Regillus, on account of his family name, *Regillensis*, i. 556.

A. Postumius Tubertus, dictator in the year 324—his memory revered—his victory was the crisis of the Æquian wars—great exertions, ii. 452. The son of the dictator condemned to death: nocturnal attack upon the smaller camp: battle on the 18th of June, and decisive victory of the dictator, 454, foll.

L. Postumius Megellus, consul in 442, successful against Samnium, iii. 257, foll. Propretor in the year 451, 374. Commands the reserve near Falerii, 379, foll. Consul in the year 452. 389. He triumphs over the Samnites and Etruscans, 389. Consul and commander in 455, 400. His defiance and haughtiness, 400, 412. Is punisht for it with heavy fines, 413. Also violates the Licinian law, by illegal possession of the public land, 413.

L. Postumius, Roman embassador at Tarentum, spoke Greek there, iii. 312. His threats after the insult offered to him, 441.

M. Postumius, the consular tribune, assassinated—judgment upon the crime, ii. 436.

Sp. Postumius, consul in the year 428, iii. 210. After the Caudine calamity he lays down his office as a dishonored man, 219. Is given up with the others who were sureties for the peace, 220. He fancies to exculpate the Romans from the guilt of the breach of the peace, by an act of hypocrisy, 221.

Postumius Livius, said to have been dictator of Fidenæ, ii. 574.

Potitian house, according to tradition, instructs public slaves in the ceremonies of the worship of Hercules, on the advice of Appius Claudius, and becomes extinct, iii. 309. Probably in the great plague, 309.

Poverty, in the south does not imply actual want, iii. 21. Poverty at Rome during the Samnite wars, 417.

Præjudicium, what it was, ii. 373. Decided the issue of the law-suit, 373.

Prænestе, separated from the Latins, must have joined the Æquians or obeyed them, ii. 261. Is decidedly hostile to Rome—these wars take the place of those with the Æquians, 582. Rules over eight towns, 583. The Prænestines conquer Satricum, 589. Renew the war against Rome, 591. Peace must have been concluded after the year 380, 594. In the Hernican war allied with Tibur, concludes a treaty with Rome in 396, iii. 83. Then allied with Latium, 94. Persevering against Rome in 411, 140. Conquered in 412, 140, foll. Afterwards obtains the isopolity, 143. After the battle of Lautulæ, probably in a state of insurrection, 230. Secured by hostages, who were kept in the Roman ærarium, 464. It was the nearest point to Rome, that was occupied by Pyrrhus, 496, *n.* 865.

Prænomen, in early times common, but obsolete as early as the emperors, i. 546, *n.* 1210.

Prærogativa, a proof how little the Romans expected from the wisdom of elective assemblies, iii. 331, 338. Occurs afterwards in the centuries of the tribes also, 332, foll. In the ancient centuries it was unnecessary, but became important from the time that they were based upon the tribes, 338. It had been customary even in ancient times in the comitia of the tribes, 339, *n.* 568. Could, however, be taken only from the country tribes, 340.

Prætextatæ, their nature—the unities cannot have been observed in them, i. *n.* 1150.

Prayers, to what side those who prayed lookt, and why they turned round, ii. *n.* 1056. Prayer at the beginning of ancient Roman speeches, iii. 488, *n.* 854.

Prefects, appointed by the pretor in the Hernican municipia, iii. 261. Sent to Capua, 289. But probably elected at Rome for the Roman citizens sojourning there, 290. Prefects in the armies of the allies were Italicans, 532.

Pretors, original name of the consuls—Dion Cassius uses this term down to the decemvirate, i. 520. At a later period pretors the supreme magistrates of the Latins—the first who

were appointed are erroneously referred to the time of Tullus Hostilius, ii. 32. The twelve tables did not deprive this magistracy of the power of inflicting capital punishments in the case of *manifesta scelera*, 322.

Pretorship of the city, office of the *custos urbis*, ii. 120. Was always reserved for a patrician during the military tribunate, 392, 497, 499. When there were censors, the duties of the latter were performed by them, if there were none, by the custos urbis, till the board was increast to six, 392, foll. 395. The pretor of the city has six fasces, iii. 33. *n.* 43. From the year 451, the pretorship was generally held by a consul after the expiration of his office, *n.* 630. Latin pretors, 94, foll. Samnite pretors, 182. The pretorship of the city remains in the exclusive possession of the patricians after the Licinian law, 30, for which reason it is of great importance to them, 31, foll. After its separation from the consulship, it receives the whole jurisdiction, 31. In the year 418, it is for the first time held by a plebeian, 153. Probably in consequence of a Publilian law, 154. The division lasts down to the end of the Hannibalian war, *n.* 277. Was probably sometimes combined with the censorship, 303. The pretorship for foreiners, importance of its institution, i. *n.* 1318. At first probably not introduced for the purpose of jurisdiction among strangers, but to command the reserves, and for the province, iii. 620. Pretorian law of succession, inadmissible definition of it—its true origin and development, ii. 153.

Prices, of corn at different periods, nominally the same in light or heavy ases, i. 462. Prices of most articles rose very much at Rome as at Athens, iii. 324. On an average threefold, 325.

Princeps senatus, the first of the *Decem primi* of the decury of interrexes—is at the same time warden of the city, and first interrex, ii. 112, *n.* 236.

Princes, forein, in the service of Tarentum, a necessary expedient, iii. 162.

Principalities, of the Macedonian queens, iii. *n.* 812.

Principes, *proceres primores*, synonymous with *Decem primi*, ii. *n.* 47.

Principes, their place in the army and their armour, iii. 100, foll. The elements out of which they were formed, 103.

Principles, their steadiness in houses and corporations of free states, ii. 377, foll.

Prisci, i. 79. Their immigration into Latium (see Sacranians), belonged to the Oscan race, i. 80, foll.

Prisci Latini, erroneous opinion that all of them were colonies sent out by Alba, i. 202. The same as *Prisci et Latini*—by no means ancient Latins, i. 79, foll. 377, i. *n.* 914.

Prison, the building of it is ascribed to Ancus, why? i. 354. Patricians were exempted from imprisonment in it, before the decemvirate, ii. 283, foll.; but after the time of the XII tables no longer, 331.

Prisoners, given in custody to allied nations, iii. 252, *n.* 441. Those set free by Pyrrhus were infamous, 512.

Privernas, surname of the consul Æmilius, iii. 175.

Privernum, hostile towards Rome in the war with the Hernicans, iii. 83, foll. Forein to the Latin state, 89. Compelled to join it, 94. At war with Rome in 409, and deprived of two-thirds of its domain, 128. Revolts in the year 420, 174. Is conquered after an obstinate resistance, 175. Is severely punisht, then admitted to the isopolity, and in 431 to the franchise, 176. The main town in the tribus Ufentina, 176. Revolts again in 426, 198, and is severely punisht, 199.

Privilegia, prohibited by the XII tables—what they were is obscure, ii. *n.* 749.

Πρόβουλοι, the daily council in Greek oligarchies. Dionysius designates by this name the members of the council of the Latins and Samnites, ii. 25, *n.* 36, but also the senate of Romulus, *n.* 38.

Proconsul, commander of the reserve legions, ii. 123, *n.* 449. Proconsulship introduced, iii. 186. Its power did not extend over the city and its immediate vicinity, 187. At first conferred by a decree of the senate

and a plebiscitum, then by the senate alone, 187.
Prodigies, at the approach of the Gauls in the year 451, iii. 374, *n.* 631. On the return of Pyrrhus from Sicily, 518.
Projectile engines, when introduced, ii. *n.* 1042.
Projecting walls, for the protection of the bridges and in Trastevere did not exist, i. 396, foll. ii. *n.* 444.
Prolepsis, in Livy, ii. *n.* 484. In Dionysius about the manipular legion, ii. *n.* 570.
Proletarians, and *capite censi*, i. 451. How the proletarians were inferiour to the locupletes in civil rights—they certainly were not eligible for offices, i. 453, foll.
Proper names, of the Oscans are gentile names among the Romans, ii. 217, and the reverse, *n.* 1212. Those in *as*, with the genitive long in *ratis* are Siculian, i. *n.* 219.
Property, of individuals at Rome, was very much increast during the fifth century, iii. 324, foll. Changed to an extraordinary degree in the course of the first Punic war, 613.
Proselytes of righteousness, answer to the men of the commonalty, those of the gate to the metics, i. *n.* 960.
Proserpine, her temple robbed by Pyrrhus, iii. 517.
Protection money, of mere sojourners, i. 473.
Provincia, the word and its meaning explained, iii. 616. Domains in the province differ from the lands subject to tithes, 618.
Provisional constitution, after the second secession, ii, 357, foll. 360, foll.
Provocatio. See Appeal.
Proxenus, honours which Coriolanus enjoys with the Volscians as proxenus, ii. 236. Proxeny gives to an individual the rights of an isopolite, ii. 52.
Prytanies, of the Attic senate, originated when the presidency in the Ecclesia was taken away from the Archon, ii. 329.
Prytanis, was in ancient times probably the official name of the Eponymus, ii. 329.
Ptolemy Ceraunus alone seems to have sent succour to Pyrrhus, iii. 446, 463, *n.* 818. Perishes against the Gauls, 507.
Ptolemy Philadelphus, seeks the friendship of Rome in 473, iii. 548.
Publicare, applied to a possession which the state resumes and disposes of as its own property, ii. *n.* 685.
Publicius Clivus, its origin, iii. *n.* 68. Its situation, *n.* 527.
Publicum, coffer of the populus, *in publicum redigere*, i. *n.* 1106, 1293. Publicum, property of the populus—how many kinds of objects it comprised, 136. In the third century after Christ almost limited to roads, rivers, and banks, ii. 151. Enactments upon it, their place in Ulpian's commentary proves the relation of the interdicts to them, *n.* 320.
Publilia tribus, iii. 94.
Publilian rogations, of the year 283 about the election of the ediles—upon the right of the plebs to deliberate and determine upon public affairs, ii. 217. Such a determination was at first only a resolution, 217. These rogations required the consent of the patres, 218. Violent opposition—overcome—the rogations past, 220, foll. Accepted by the patres, 226. A later Publilian law about plebiscita, 367.
Publilian laws, the first abolishes the sanction of the curies for the decrees of the centuries, iii. 147, foll. The second makes the assent of the senate sufficient for plebiscita, 148. The third divides the censorship between the two orders, 150; and a fourth probably the pretorship also, 154.
C. Publilius, is, according to Livy, the occasion of the Pœtelian law, iii. 156.
Q. Publilius Philo, defeats the Latins in the year 411, iii. 140. Appointed to the dictatorship in order to remove the opposition of the patricians, 147. His legislation, 147. First plebeian pretor, 154. Besieges Palæpolis in the year 423, 181. He was the first that was invested with proconsular power, 186. Saves Papirius Cursor from his distress at Luceria, 224. Involved in the inquiries of the year 432, 293.
Volero Publilius, the mortification inflicted upon him causes an insurrection—he is elected a tribune, ii. 210. Promulgates the rogation about the election of tribunes by the tribes, 211.

Reason of his re-election doubtful—new rogations, 217.
Puglia (Apulia), time of the harvest there, iii. *n.* 344.
Pulcinello, has his origin in the Atellanes, iii. 111.
Pullius Clivus, its probable origin, iii. *n.* 67.
Pullius and Fundanius, the accusers of P. Clodius, probably curule ediles, not tribunes, iii. 40, *n.* 67.
Punic war, first, iii. 561, foll. Resembles the Spanish war in the Netherlands, 598. From the year 497 it is less glorious for the Romans, 601. Is unequalled in the exertions which it required, 612. Loss of men in it, 614.
Purple, *versicolor* in Livy, iii. *n.* 434.
Putei, wells and cisterns, iii. *n.* 524.
Puteoli, receives prefects from Rome, iii. 291.
Pyrgi, its capture in Ol. 99, 1, falls in the year 363, ii. 567.
Pyrrhus: in the treaty with Tarentum he inserts the clause concerning a free return, iii. 444. His house, with the exception of that of Sparta, was the only one remaining that was connected with the heroic age, 454. Endeavours to obtain help and sureties from the kings of the Macedonian kingdoms, 446. The history of his youth, 457, foll. Obtains protection and assistance from the court of Egypt, and soon rids himself of Neoptolemus, 458, foll. Through Alexander, the son of Cassander, he obtains a great addition to his kingdom, 459, foll. Forfeits the possession of Macedonia, 460. Was thirty-seven years old when the Tarentines invited him, 461. His peculiarity, 461, foll. Felt the want of having friends, 461. Admires the Romans, 462, foll. 478. Two deeds are the disgrace of his life, 463. He draws up alternately cohorts and phalangite spires, 473. His passage to Italy very much endangered by a storm, 474. He first attempts negotiations with Rome, in order to gain time, 476. Conquers at Heraclea, 476, foll. His maxim not to pursue a defeated enemy immediately, *n.* 838. Cineas was his good genius, 481. Pyrrhus always liked to endeavour to do as much as possible by negotiations, *n.* 844. The terms on which he offered peace, 483. His attempt upon Capua and Neapolis fails, 495. Advances towards Rome as far as five miles beyond Prænestе, 496, foll. Returns out of impatience, 497, foll. Avoids a battle in Campania, and takes his winter quarters at Tarentum, 499. Sends the Roman prisoners home on furlow, 501. Besieges Venusia, 502. Defeats the Romans near Asculum, 503. According to some accounts he is wounded in the battle, 504. Retreats to Tarentum, 506. Directs his thoughts towards Sicily, 507. Crosses over, 511. His undertaking, after a three years' stay in Sicily, is defeated in the siége of Lilybæum, 511, foll. On his return to Italy he is defeated in the Strait by the Carthaginians, 516, foll. He orders his unfortunate advisers to be put to death, 518. Enters upon the battle of Beneventum with a desponding heart, 519. Completely defeated, 520. Hastens back to Epirus, 521. Allusions to the subsequent events of his life, 521, foll. Probable year of his death, *n.* 928.
Pythagoras, according to a tradition a Tyrrhenian from Lemnos or Imbros, i. 42. The opinion that Numa had been his disciple was prevalent at Rome, until it was chronologically refuted, 238, foll. His personal existence is no more historical than that of Numa—he was in high authority at Rome in ancient times, 239. A statue is erected to him in the comitium at Rome, iii. 310.
Pyxus, a colony of Rhegium, i. 157.

QUADRUPLATORES, the general right of accusing gives rise to them, iii. 37.
Quæstores Classici and *Parricidii*, mistaken for one another by Dionysius: he calls those ταμίαι, whom he should have called ἐφέται, ii. *n.* 366. The same mistake in Tacitus and Ulpian, *n.* 836.
Quæstores Classici, treasurers, their election left to the people by Publicola, i. *n.* 1157. The adjective *classicus* has been preserved by Lydus, ii. *n.* 949, and refers to their appointment by the centuries from the time of Publicola.—Before the year 334, there were two —their

number doubled in that year—proves the increase of business by tithes and the intended pay of the army—half of the places demanded for the plebs, 398. Compromise that they should be elected from the two orders indiscriminately, which afterwards turns out to the advantage of the plebeians, 431. Those who had held the office, undoubtedly entered the senate, 432, iii. 551. Their number, in 479, increast to eight, 551, *n.* 1003.

Quæstores Parricidii, public accusers, continued after the abolition of royalty, just as they had been before, i. 524. Even before that time they had been elected by the populus, 525. As a part of the decemvirate, they were the predecessors of the curule ediles, ii. 328. Bring the accusation against Manlius before the curies, or make a motion for his being outlawed, 612. In 407 they were for the first time elected by the centuries, 383.

Quarters, in the middle ages the common local division of free cities and districts, afterwards frequently increast to six, i. *n.* 969.

Quatuorvirate, in which the three patrician tribes and the plebeians are represented, after the abolition of royalty, i. 515. Was probably recorded in some Fasti, and hence Sp. Lucretius is mentioned as consul in the first year of the republic, 536.

Quatuorviri, for the roads (viocuri), iii. 559.

Quinctii, belonged to the lesser houses, ii. 291, foll.

Quinctilii of Romulus, i. 222.

Cæso Quinctius, his acts of violence, his strength and pride — accusation against him—evidence of M. Volscius, ii. 288. His trial in accordance with the Icilian law, 288, foll. Goes into exile, 290. Report of his being in the city, 292, foll. Probably perisht together with Appius Herdonius, 296.

L. Quinctius Cincinnatus, poetical story of his dictatorship, and his expedition to the Algidus, ii. 264, foll. Its impossibility and its poetical meaning, 268, foll. His appointment to the dictatorship, 265. The expedition attributed to him seems to be quite fabulous, 269, foll. Cannot have fallen into poverty by raising the sum for the payment of the fine of Cæso, 291. Appointed consul illegally by the senate and curies, 297, *n.* 425. Projects of the counter revolution, 297, foll., renounced as well as the re-election of Cincinnatus, 298. As dictator he brings about by force the expulsion of Volscius, 298, foll. Appointment to the consulship by the patres, *n.* 425. Appointed dictator against Mælius — violent measures, 419. Orders Mælius to be killed, 420. Murder in the service of a faction, 421. Rhetorical distortion of his character, *n.* 612.

P. Quinctius, upon what point his cause defended by Cicero turns, i. *n.* 1280

T. Quinctius, gains a victory at Antium and takes the town, ii. 246 Commander of the reserve in the year 290. 250. Mentioned as the commander of the troops of relief in the year 296, probably erroneously, 263. Dictator in the year 311, at the expulsion of the consular tribunes, 412, foll. Raised, as it seems, to the consulship by the patres for the year 316, *n.* 469, 917.

T. Quinctius, dictator, gains a victory over the Prænestines on the Alia, ii. 591. Captures nine towns in nine days, 591.

T. Quinctius (uncertain who), elected in the year 408 as leader of the insurrection, iii. 64, *n.* 117.

Quinqueviri mensarii, iii. 62.

Quinqueviri, for the security of the city, iii. 553.

Quirina tribus, formed of Sabines, iii. 555.

Quirinalia, i. 234

Quirites, citizens of Quirium, i. 290. Afterwards transferred to the plebeians, 294, 428, *n.* 630. The formula, *populus Romanus Quirites* and *populus plebsque Romana* are synonymous, *n.* 992.

Quirium, was probably the name of the Sabine city on the Quirinalis, i. 289. Probably the mysterious Latin name which it was unlawful to pronounce, 294.

RADAGAISUS, the Goth, probable place of his camp in the Apennines, iii. *n.* 144.

Ræti and Rhæti, i. *n.* 345.

Rain-tiles (*imbrices*), introduced at Rome, iii. 559.

Ramnes and Tities, the two communities of citizens of Roma and Quirium as tribes in a united state, i. 296. The Ramnes are always superiour to the Tities, 305. Are *majores* in relation to the Tities, *n.* 1143.
Ransom of the capitol, its amount, 549, *n.* 1219.
Rasena, native name of the Etruscans, i. 112.
Ratumena, gate at Rome, and legend about it, i. 500.
Ravenna, Pelasgian, i. 36.
Rea, not Rhea, i. 211.
Reate, became a prefecture after the Sabine war, iii. 404, and remained so after the other Sabines had obtained the full franchise, 555.
Rebuilding of Rome, opposition of the plebs to it, ii. 576. Irregularly executed, 577, foll.
Re-election, immediate, of a high magistrate inadmissible, and perhaps expressly forbidden—that of the president would have been a dishonour to him, ii. 336.
Regifugium, on the 24th of February—as a date only chosen symbolically, i. 509.
Regillus, battle on the lake of, was placed in different years, i. 555, foll. The account of it is an epic poem 556, 558.
Region, each one corresponded to a local tribe and bore its name,—four in the city, i. 415. For the country district Cato left the number uncertain, and according to Fabius there were twenty-six, with which Varro agrees, 416.
Register, of births and deaths: intelligence of them given by all families, and also of every change of abode, i. 467.
Regulus, see Atilius.
Remuria or Remoria, a place near Rome, referred to Remus, i. 209. Appears to have been situated four miles from the city, 223, foll.
Republic, its institution at Rome, i. 496.
Reserve-legion, formed of the *seniores* and *cavsarii*, ii. 121. Was organised in the same way as the field-legions; its commander appointed by the consuls; proconsuls never mentioned after the decemvirate, 123. One only under the decemvirs according to the ancient tradition, *n.* 742.
Res mancipi, more things were included in it in earlier times than the ancient jurists state, i. 455.
Revolt, of the army in the year 408, and its consequences, iii. 63. Appears absolutely incredible in the description of Livy, 67, foll. Its real character, 68, 72. Of the Privernatians and Fundanians in the year 420, 174. In Latium, in the year 426, 198. Most severely punisht, 199. Of the subjects of Rome after the defeat of Lautulæ, 230.
Rhegium, colony of the Cumæans and Chalcidians, i. 156. Does not take part in the embassy of the Italietes to Pyrrhus, iii. 445. Faithful to the Roman cause, 476. Surprised and subdued by the Campanian garrison, 480. Re-conquered by the Romans by storm in the year 476, 541. Retained its Greek character longest of all towns, 542.
Rhodians, put an end to the piracy of the Tyrrhenians, iii. 423.
Ritual books, of the Etruscans, i. 140.
Roads, Roman, art of building them with polygons of lava, iii. 304. According to Isidorus the Romans learnt it from the Carthaginians, 306. Made advances after the war with Pyrrhus, 559.
Rogations, could be read only by scribes before the assembly of the people, iii. 23. This rule was violated by C. Cornelius, 23.
Roma, the heroine, i. *n.* 599.
Roma, Pelasgian name of a Tyrrhenian town, i. 287. Roma and Quirium in their separation and their union, 291. United into one state, 293. Probably colonies of the Albans and Sabines as confederates, ii. 49.
Roman History, how it was treated in the fifteenth and sixteenth centuries, i. pref. v. In the seventeenth, treated with more freedom, i. pref. vi. How our age is destined to a more profound investigation of it, i. p. viii. foll.
Roman kings, average duration of their reigns to be measured by that of the Doges of Venice, i. *n.* 912.
Roman arms, according to Sallust, derived from the Samnites, iii. 99, 119, 466. Embassy to Alexander the Great at Babylon, how far doubtful, 170, *n.* 300. A Roman army annihilated in 463 by the Gauls in Etruria, 427. Squadron surprised and scattered in the harbour of Tarentum, 439. Tactics reached their perfection about the middle of the fifth century, 467. Subjects revolt after the battle of Hera-

clea, 480. Prisoners are in vain invited by Pyrrhus to serve under him, 478, *n.* 839. All return to Pyrrhus after the expiration of the time of their furlough, 501. Senate pronounces judgment in the affairs of the allies, 533. Gives a dowry to the daughters of Curius and Fabricius, 557. Decrees the building of a fleet, 575.

Romans, do not belong to any separate race, because they sprung from the mixture of several ones, i. 6. Divided into patrons and clients, but only the most ancient Romans were thus divided before the origin of the plebs, 322, foll. Inclined to conceal humiliations they had suffered, iii. 117. Were always weak in their cavalry, 473 Vehemently enraged against the proposals of the Latins, 131. In the year 418 they conclude a treaty with Alexander of Epirus, 167, and peace with the Gauls, 171. They were in some relation to Alexander the Great, 170. But would never have been able to cope with him, 170. By occupying Fregellæ, they violate the rights of the Samnites, 177. They demand reparation of the Neapolitans, 180. Their unfair demands of the Samnites, 182. Have unquestionably violated their oaths, 183, foll. Ally themselves with the Lucanians and Apulians, 185. Are careful about the preservation of wealthy families, 355. Persevering in fatigues of every kind, 382. Moderate in their demands of Tarentum, 440. Allow themselves peace after the war with Pyrrhus, 523. Surrender to the Apolloniats those who have insulted their embassadors, 550. Accept, to their disgrace, the alliance of the Mamertines, 563. At the beginning of the first Punic war they are without any military fleet, 564. Their first attempt to cross over to Sicily is unsuccessful, 565. Take possession of Messana by treachery, 566. In 483 they subdue nearly all Sicily, 569. In 484 they fortify themselves near Agrigentum, 570. In great distress they are supported by Hiero, 572. Defeat Hanno in despair, 572. In the year 485 they build a fleet according to the model of a Carthaginian pentere which had been thrown on the strand, 375, foll. Immense exertions at sea, 583. In the year 490 they cross over to Africa, 584, foll. Ravage the flourishing territory of Carthage, 585. After the defeat of Regulus in 492, they evacuate Africa entirely, 592. Their fleet is destroyed in 492 by a fearful storm, 593. Build a new one, 595. This is again destroyed, in 493, off Palinurus by a storm, 596. Their perseverance in the war, 607. Their extraordinary exertions and sacrifices, 613.

Rome, building of, its date in Olympiads according to Fabius, i. 267. According to Polybius, Nepos, and Cato, 268, foll. According to Diodorus and Varro, 269. According to Ennius, 269. According to Cassius Hemina, Eutropius, and Timæus, 271. According to Cincius, 272.

Rome, the City, Greek statements about the origin of the city: Siculian, Tyrrhenian, or Pelasgian, i. 214, *n.* 602. Trojan, 214, foll. Greek from the time of the return from Troy, 216, foll. Mixt, 217. Other vague statements, 218. Is already extended by the Pomœrium of Romulus, 288. Contained within the walls of Servius a great deal of pasture land, 395. Its air healthy—country people may reside there during the sickly season, 396. Fortification and circumference of the city, 396.

Rome, double state of, i. 209,—of the Romans and the Quirites, its emblem —Rome remains a double state even after their union, 293. Separate assemblies of the senate and of the houses of the Romans and Sabines: meet together for common affairs, 232. United by Romulus, 233.

Rome, territory of, its extent under the first consuls, i. 534.

Rome, its capture by the Gauls: the date assumed for that event was the basis for the calculation of the year of its foundation, i. 267. It took place on the 18th of July: there were one day and two nights between it and the previous battle—not three days, ii. 541, *n.* 1200. Evacuation of the city, 541, foll. Capture and devastation of it, 544, foll. How long Rome remained in the power of the Gauls, 549.

Romulea, a Samnite place on the frontier of Apulia, conquered in 450, iii. 368.

Romulus, how in the accounts about

him we may distinguish the epic poem and fables which fill up gaps in it, i. 232, foll. According to the ancient story, was not tyrannical, 234. Tradition about him cut up and forged, 235, 237. Carried to heaven in the heroic lay, 234.
Romulus and Numa, cause of the dates assigned to them, i. 245, foll.
Romulus and Remus, tradition about them as the founders of Rome, thoroughly native and very ancient, i. 209, foll. Various statements about their descent: native ones, 212, foll. Greek ones, 215; *n.* 598. The native tradition about them, 220, foll.
Romulus and Romus, were, in the earliest Greek legends, probably, the sons of Æneas and Creusa, i. *n.* 598; and this continued to be believed at Alexandria, 216.
Rorarians, their place and use, iii. 102, *n.* 192.
Rostra, ancient situation and description of it, i. *n.* 990. The ancient and the new; its place in the Roman forum, iii. *n.* 268.
Rowers, procured and trained in haste in the Roman fleet, iii. 576.
Royalty, badges of, presented to Tarquinius by the Etruscans upon their acknowledging fealty, i. 359.
Rubbio, essentially the ancient plebeian farm of seven jugers, ii. 407, foll. Derived from *rubrum*, 408.
Rufinus, see Cornelius.
Rusellæ, thus far the Romans penetrated in 445 into Etruria, iii. 287. Hostile towards Rome in the year 450, 370. Postumius marches through its territory in 452, 405.

SABELLIANS, according to the common phraseology, the name of the tribes which proceeded from the Sabines, but may also be applied to the whole race, i. 91. They practist divination from the flight of birds, 106. Inhabited open hamlets, 106. Were feeble through the complete dependence of their tribes, 106, foll. Their cohorts contained four hundred men, their legions four thousand, ii. 84. The southern Sabellians were familiar with Greek literature, i. 8. Sabellians and Opicans probably of the same stock, 104. The Sabellian nation was uncommonly numerous through admitting into their state those they had subdued, 102. Their colonies guided by sacred animals, 92. Tribes, difference of their habits, 105, foll. The number of their divisions was four, ii. 84. Each of their confederacies contained four cantons, 83. The four northern tribes formed each a confederacy, i. 101. Sabellian nations at the time of danger estranged from the Samnites, approach when it is too late, iii. 251, foll. Are obliged to separate themselves from Samnium, 259.
Sabine women, rape of them, why it is placed four months after the foundation of the city,—forgery of Cneius Gellius, i. *n.* 630. They were, according to the ancient story, only thirty, 228. Their rape invented, because no connubium existed originally between Romans and Quirites, 291, foll.
Sabines, according to Cato their original home was about Amiternum, i. 92. Their extension,—in Latium—and in southern Italy, autochthons, 103. Pretended mixture with Laconians, 103, foll.; because they were confounded with Pelasgians, *n.* 131. Severity of their manners, 105. Their settlement at Rome beyond all doubt — their extension down the Tiber, 290. Received into the amphictyony of the temple of Diana, 368. The accounts in Dionysius about the wars carried on against them are inventions, 555. By the peace of the year 252 municipium must have been establisht with them; hence the increase of the census of the year 256, 561 (compare ii. 87). Invade in the year 285, the Roman territory, ii. 245. Beat the army of the decemvirs, 344. Conquered by M. Horatius, after which the wars with them entirely cease. United with the Romans by a common franchise, 447. It is mentioned that they had the franchise without the right of voting, 447. They exhausted themselves in emigrations, 447, foll. Probably took part in the third Samnite war, iii. 359, *n.* 608. This occasioned the war against them, 402. They take up arms to defend their independence, 402, foll. Are quickly subdued by Curius, 403. Their country rich and fruitful, 403. They are obliged to accept the Cærite franchise, 404. Subsequently, it is uncertain when, they receive the full franchise, 555.
Sacer ager, consecrated land, ii. 621.

Sacramenta, exacted by the triumviri capitales, iii. 410.
Sacramentum multæ, ii. *n.* 695.
Sacranians, i. 79. Are expelled by the Sabines from the neighbourhood of Reate and upper Latium, 78. They are properly called Prisci, 80.
Sacrifices, human, the dedication of an outlaw was a remnant of it—cases in which it was carried into effect, i. 531.
Sæcula, of the Etruscans, i. 137. Difference between the annals and the books of the duumvirs about the commencement of a new sæculum, 242. The second Roman Sæculum commences with Tullus Hostilius, 242. The first Roman one distinguishes intentionally an historical age in which heavenly influence predominates, 245. The chronological sæculum of the lunar years consisted of five periods of intercalation, 275. The result of a sæculum of 132 years of ten months' length, with two intercalations of one month of three weeks each, is a tropical year, which is more exact than the Julian one, 278, foll. The sæcular system of the Romans resembled that of the Mexicans, 281.
Sæpinum, conquered by L. Papirius, iii. 396.
Sagra, battle of, its time approximately fixt, iii. *n.* 904.
Saguntum, colony of the Ardeates, i. 44.
Salaria via, is probably older than the Appian road, iii. 306.
Salassians, of the race of the Tauriscans, ii. 535.
Sale, of things subject to tribute: obligation to give notice of it, i. 467.
Sale, of the person of a debtor and his family, and services for debt, were a general law, i. 575, foll.
Salernum, was after the second Samnite war probably in the possession of the Campanians, iii. 259, *n.* 208. A Campanian colony in order to keep the Picentinians in obedience, 544.
Salii, were taken from the two most ancient tribes, iii. 351.
Sallentines, the same as Leuternians, i. 148. Three nations and twelve towns, 148, *n.* 449. Attackt by Alexander of Epirus, iii. 166. Hostile towards Rome, 253. Are obliged to join Cleonymus, 271. Dependent on Tarentum, 483. After the war of Pyrrhus they probably concluded peace with Rome, 524. In the year 480 they are in a state of insurrection, but are quickly put down, 543, 545.
Sallentum, as a town is nowhere mentioned, i. 149.
Sallust, the letters, bearing his name, to Cæsar were written at the latest in the second century, iii. 342, foll.
Salmasius, is most completely mistaken in his ideas about the Attic houses, i. *n.* 800.
L. Salonius, implicated in the insurrection of 408. Livy's judgement of him is incorrect, iii. 65.
Salpinates, allied with the Vulsinians, ii. 493.
Salpinum, might be Orvieto, ii. *n.* 1088.
Salt, was conveyed from Tarentum to the interiour countries of Italy, iii. 161.
Samnite Language, was Sabine, i. 104. Maintained itself longer than the latter, 105.
Samnite Places, their situation is frequently obscure, iii. 193, *n.* 339.
Samnite War, the first, iii. 118, foll. The second, 181, foll. Its necessity, 182, foll. 205, foll. System of the Romans of conducting it in Apulia and on the western frontier, 224. The year 434 its turning point, 231. Not paralysed by the Etruscan war, 242. Concluded in the year 440, 259. The third: its history is indeed more precise than that of the preceding one, but still very defective, 357. The exertions made for it are almost inconceivable, 359. The fourth is languidly conducted, 443.
Samnites, at the time of Scylax, extend from one sea to the other, i. 93. Their cantons, 107, four; their cohorts contained four hundred, their legions four thousand men, ii. 83. Are extending towards the Liris, iii. 112. Defeat the united Sidicinians and Campanians, 113. Are defeated by the Romans near mount Gaurus, 119; and then near Suessula, 123. Do nevertheless not despond, 125, foll. Conclude an honorable peace, 126. Take part in the battle near Vesuvius against the Latins, 136. Are allied with the Lucanians against Alexander of Epirus, and are defeated near Pæstum, 167. Then allied with Tarentum, 168. Probably subdued the Sidicinians after the peace with Rome, 173. Excite the Privernatans and Fundanians to revolt, 174. Demand of the Romans to evacuate Fregellæ,

177. Allied with the Palæpolitans they excite them by promises to resist Rome, 181. Send succours to them, 181. Are paralysed by the nature of their constitution, 182, 184. Reject the proposals of the Romans, 183. Are hostile towards all the neighbouring nations except the Vestinians, 185. Defeated by Fabius, 193, foll. Conquered by Papirius, 195. They obtain a truce for one year, 195. Negotiate in vain for peace, 196. Do not break the truce as Livy asserts, 196, foll. Their noble confidence in Pontius, 218. Their wealth, *n.* 426. In 427 they suffer a great defeat on the western frontier, 201, and are at the same time defeated by Q. Fabius in Apulia, 201. foll. Overpowered by misfortunes they wish for peace, 203. Reject the too hard conditions of entire submission, 204. Blockade the road of the Romans near Caudium and repel their desperate assault, 211, According to Zonaras they even took the Roman camp by storm, 213. Gain considerable advantages after the peace of Caudium, 223. Are said to have been defeated near Luceria, 224. Their distress is exaggerated, 226, foll. Defeated near Saticula, 227. Their plan in the campaign of 433, 229, *n.* 402. They conquer near Lautulæ, 230. From the year 434, fortune withdrew from them, 231. In 438 they probably gained another victory, 245. Their plan to unite their army with the Etruscans fails, 246. Magnificent armour of their troops, 247; but is not to be understood of their whole army, 248. In the year 441 they are completely defeated by P. Cornelius and C. Marcius in the heart of their own country, 255. Purchase a truce, 256, and are then obliged in the peace to recognise the supremacy of Rome, 259. Are found in foreign service, 287. In the third Samnite war they cannot possibly have suffered such great losses as Livy relates from Valerius Antias, 357, foll. Yet their exertions are almost beyond conception, 359. They aim at the soverainty of Lucania, 360. Reject the Roman embassadors who remonstrate with them about it, 361. Are defeated on the Tifernus after a brave resistance, 365. In 450 they lead an army into Etruria and give up their own country, 369. Ravage Campania, 371, foll. Are surprised and defeated there by Volumnius, 371. In 451 they invade Campania again, 379. Are defeated together with the Gauls and Etruscans near Sentinum, 384. Five thousand who survive, escape, 386. Are again defeated in the Stellatian district, 388. Even in the campaign of 452 they make enormous exertions, 389. Exert their last powers by applying religious horrours, 390, foll. Still they are conquered, 393. They gain one more victory under C. Pontius, 397; but then the victory of Fabius the father over them is decisive 398, foll. They carry on the fourth war against Rome very languidly, 443. During the war of Pyrrhus they are visited by L. Æmilius, 464, 476. In the year 469 by Junius Bubulcus and Cornelius Rufinus, 513. In 471 they are found in the army of Pyrrhus, 519. In 474 they are completely conquered by Sp. Carvilius and L. Papirius, 524. Come into the condition of dediticii, 525. Even after the final peace there probably remained a common bond among them, 529, yet apparently only for the separate tribes themselves, 530. They recover with extraordinary quickness, 532.

Samnium, forms in 396 an alliance with Rome, iii. 87, 114. Its frontiers and its constitution at the beginning of the war, 107, foll., 182. Was systematically laid waste by the Romans, 257. In the peace of 444 its limits were already contracted, 259. Fearfully devastated, 366. Its principal wealth consists in cattle-breeding, 243.

Samothracians, recognised as a nation of the same blood with the Romans, i. 190.

Sanas and Fortis, ii. 331.

Sardinia, the Tyrrhenians there were Pelasgians, i. 127. Ruins which the Greeks speak of, and Cyclopian buildings still extant, 171, foll. Three native tribes there, 170. The civilised Sardinians had become entirely Punic, 170. Entirely under the dominion of the Carthaginians, attackt by the Romans, iii. 579.

Sarrastians of Nuceria, were Pelasgians, i. 45.

Sarsinates, separated from the Umbrians, i. 145. In 480 in a state of insurrection against Rome, iii. 545.

Saticula, near Capua, iii. 120. An Oscan town besieged and conquered by the Romans, 227, foll. In 436 it receives a Roman colony, 238.
Saticuli or Satici, were Oscans, i. 72.
Satricum, its situation, ii. *n.* 21. In the power of the Antiatans, 259. Before the year 361 under the dominion of Rome, 466. Captured, 587. Colony there, 588, of 2000 citizens, 609, which was destroyed, 589. Abandoned by the Antiatans and burnt down by the confederates, 593. Destroyed by the Latins, restored by the Volscians, and in 404, again destroyed by Romans and Latins, iii. 87. War about it between the Romans and Antiatans, 128. Revolts to the Samnites, 223. The situation of the town and the time when it became a colony are unknown, 223. Conquered by the Romans by treachery, 225, foll. Perisht at that time, 225.
Saturnia, native name of middle Italy, i. 22, 24. Probably in the territory of Volsinii, became a prefecture after the conquest of Etruria, iii. 404, 430, foll.
Saturnian Verse, lyric and greatly varied metres, i. *n.* 687. Used for inscriptions; so for instance, in that of T. Quinctius in Livy, ii. *n.* 1297.
Savini, the nations sprung from the Sabines, called themselves by this name, i. 91.
Scævola, signification of the name according to Varro, i. *y.* 1211.
Scaliger, his greatness, i. *n.* 660.
Scaptia, situation of the place, ii. *n.* 21.
Scaptia tribus, formed of Latins, iii. 143.
Scaptius, the pretended witness against the Ardeatans and Aricinians, his name doubtful, ii. *n.* 985.
Schiatta, formed from the Low German Schlacht, i. 320.
Scholia Veronensia ad Æen. ii. 717, emended, i. *n.* 552. The Scholia on the Planciana emended, ii. *n.* 65.
Sciences of the Etruscans, i. 137.
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161. Through the defeat by the Messapians it became democratical and strongly mixt with the Italians, 161. Sources of its wealth, 161, foll. Allied with Samnium, 161, *n.* 291. Was foreign to Greece proper, and never had a naval power, 161, foll. After the war of Alexander of Epirus more powerful than ever, 168. In alliance with Samnium, and influencing the Lucanians, 168. In the second Samnite war it probably furnisht mercenaries to the Samnites, 202. In 436 it sends a squadron under Aorotatus against Agrigentum, 238, foll. From the year 442 it is again made war upon by the Lucanians, and threatened by Rome, 268, foll. Takes Cleonymus of Sparta into its service, 270. Gets rid of him after the peace with the Lucanians, 272. Concludes undoubtedly in 445 a peace with Rome, 272. Remains neutral in the third Samnite war, 272. Rejects the Roman terms of peace, 442. Suffers much under the rule of Milo, 523, foll. Taken by the Romans through his treachery, 539. Was without doubt severely punisht, 539. Receives a Roman garrison, 540.

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L. Tarquinius Collatinus, husband of Lucretia, lives at Collatia, i. 494. Consul with Brutus, 496. Banisht together with the Tarquins, 498.

L. Tarquinius Priscus—descent, i. 357. Goes to Rome, 358. Election—victorious wars against the Latins and Sabines, 358; against the Æquians and Etruscans, 359. Subjugation of the latter, of which Cicero and Livy know nothing, 359. Doubles the cavalry—wishes also to introduce three new equestrian centuries, 360. Yields to the opposition of Attus Navius, but forms second centuries, 361. Builds the sewers for draining the lower districts of the city:—forum and circus, 361, foll. Institutes the Roman games, 362. Alters the forms of worship, 363. Is murdered, 364. The dates in his history and that of Servius Tullius are quite absurd, 374. Was not an Etruscan, 376. The surname Priscus occurs also in other families—like other names of people, 377, *n.* 914. The name suggests that the Tarquins belonged to the lesser houses, to the faction of them, 378. Conceived as Lucumo, the same as Cæles Vivenna—as the ruler of Etruria along with Tarchon, 383. To him the increase of the priestesses of Vesta is justly ascribed, iii. 350.

L. Tarquinius Superbus, his crimes and those of the elder Tullia, i. 369, foll. Was called in all the annals, with the exception of those of Piso alone, a son of the first Tarquin, and the connexion of the history demands that he should be regarded as such, 373. Deprives the plebeians of all the advantages granted to them by Servius, 488. Afterwards oppresses the patricians also—reigns with success and gains the soverainty over Latium, 489. Latin holydays, combination of the Roman and Latin centuries into maniples—conquest of Suessa Pometia, 489. Miraculous signs in the royal palace, and sending of the king's sons to Delphi, 492. New signs foreboding his downfall, 493. How his power was overthrown, 495. Is exiled, 495. Goes to Cære and then to Tarquinii, 496. His followers who accompany him in his exile are numerous, 496. Conspiracy commenced by his embassadors, 497. Clear calumnies against him, 514, foll. It is quite certain that according to the ancient lay he fell in the battle of Regillus, 558.

L. Tarquitius, how his inability to serve on horseback is to be understood, iii. 348, *n.* 588.

Tarracina, τραχινά, ii. *n.* 1026. Compare Anxur.
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Tribuni Celerum, phylarchs of the Romulian tribes, magistrates and priests, i. 331. It is a mistake to believe there was only one, 331, *n.* 840.

Tribuni militum, the election of six of them is transferred to the centuries, iii. 51. A man who had once been military tribune should not be made a centurio again, 66. Half their number had fallen at Caudium, or were severely wounded, 212. From the year 437 sixteen are elected by the people, and eight by the consul, 313.

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Tributum, fell upon the plebs—was not levied in proportion to income, but a direct property-tax, i. 468. *Tributum in capita*, not a poll-tax, 468, foll. Tribute according to an estimate of a person's property, and not according to the taxable property, 472, foll. For the erarians, but previous to the Servian census it was also customary for the plebs, 473. The tribute had to be paid upon the property pledged as nexum by the person who had pledged, and not by him to whom it was pledged, 581. Monthly assignments of 100 ases, 474; that of ten drachmas which Tarquinius is said to have levied, is the monthly pay of a foot-soldier, ii. 442. The tributum was not let out to farm, 403. Its levy and amount were fixt by the senate alone—the comitia only decided upon the objects to which it was applied, 404. Under what circumstances alone the levy of it was forbidden by the tribunes, 404, foll. Its regulation was made arbitrarily by the censors, 405. Its simplum was one as in a thousand, *n.* 892. On some subjects a multiple, 405. Oppressive to the plebeians: veto of the tribunes, 444. Levied without any regard to debts, 603. According to arbitrary estimates, 603, foll.

Tricipitinus, one of three children born at a time, ii. *n.* 107.

Triens tertius, explained with certainty; but should propably be *triens quartus*, ii. *n.* 1296.

Trifanum, between Sinuessa and Minturnæ: there the Latins suffered their second defeat, iii. 138.

Triumph, an Etruscan solemnity, i. *n.* 890. Granted by the commonalty, ii. 376. On the Alban mount: the Roman triumph there is only a repetition of the ancient custom, 37.

Triumphal Fasti, Capitoline, are no evidence for triumphs incredible in themselves, ii. *n.* 579. Manifestly corrupt, since they record the day of the triumphs of king Servius, i. 367, and also those of Tarquinius Priscus, 379. Afford no decisive certainty, iii. 200, 258. Differ from Livy's narrative, 239.

Triumphus curulis, its reference to curule honours: no consular tribunes ever held such a one, ii. 389.

Triumviri Capitales, judges of capital crimes were instituted after questors and ediles, iii. 38, between the years 454 and 459, by a law of Papirius, 409, foll. Their functions, 409.

Triumviri Reipublicæ Constituendæ, were appointed immediately after the Licinian law, iii. 17, 43, *n.* 75.

Triumvirs of the mint, their institution, iii. 552.

Troilum, probably the same as Trossulum, near Volsinii, taken in 453, by Sp. Carvilius, iii. 405.

Trojan colony in Latium, according to the most ancient Roman legend it consisted only of the crew of a single vessel, i. 180, and 192. Their voyage would not be impossible, 180.

Trojan migration to Epirus, iii. 456.

Trojans, the legend of their settlement in Latium occasioned by the relation of the Tyrrhenians to Samothrace and Troy as a Pelasgic place, i. 190, foll. Those of Æneas are intimated by Cato to have been only 100 in number, 193. The later Greeks regard them as barbarians, 217.

Troy, according to Cato the name of a Trojan settlement in Latium, i. 193.

Truce, between Rome and Samnium, iii. 195. Probably also in the year 428, 204, *n.* 860. In the years 431 and 432, 226. Granted to the Hernicans, 255. Purchased by the Samnites, 256. Granted to the Etruscans in 439, 285, and prolonged from year to year, 286. Was concluded with Pyrrhus before he crost over to Sicily, 509.

Truces, concluded for cyclic years, i. 282, foll.

Tullia, the horrours she committed on the corpse of her father, i. 370.

Tullus Hostilius, with him begins a new secle and a narrative which is meant to be historical, i. 246, foll. His war with the Latins unknown to Livy, 351. With the Sabines—killed by a flash of lightning, because he presumed to perform ceremonies to which he had no right, 352. The account of his stratagem in declaring war against Alba, is not absurd when conceived as poetry, *n.* 869. War against Alba, 347, foll.

Tunnel, the, by which Veii is said to have been taken, must, according to the legend, necessarily be conceived to have had its issue in the temple of Juno, ii. 481. What might be thought of the accounts, if that circumstance did not exist—it is incomparably more probable that it was only a common cuniculus, 482, foll.

Turini, identical with Tyrrheni, i. 44,

Turinus (Tyrrhenus), a surname of the Mamilii, i. 14.

Turnus, synonymous with Tyrrhenus, i. 44, or with Turinus, in the case of Herdonius perhaps a surname, and not a prænomen, *n.* 558.

Τυῤῥηνός: whether this form instead of Τυρσηνὸς occurs before the time of Plato, i. *n.* 100.

T. Turpilius, prefect in the Jugurthine war, was an Italican, iii. 532.

Tuscan language, seems to have been spoken as a living language as late as the time of Gellius, i. 10.

Tuscans, are properly speaking the Tyrrhenians, and not Etruscans, i. 112.

Tusci and Turini, are the same, i. 78.

Tusculans, the account about the manner in which they disarmed the anger of the Romans, belongs to the lay of Camillus:—seem to have been reduced to the condition of sympolity, ii. 590. The full franchise cannot be thought of in their case, 590. Were after the Latin war probably degraded in their franchise, iii. 142. Revolt in the year 426, 198. Are with difficulty rescued from annihilation, 199, foll.

Tusculum, its citadel was taken by surprise by the Æquians, but re-conquered by the Romans, ii. 254. The lower part of the city was surprised, recovered by the assistance of the Romans,—besieged by the Veliternians, 593. A very ancient aqueduct there, iii. *n.* 523. A Greek theatre was built there at an early time, 311, *n.* 531, foll.

Twelve tables, source of the public and private law—by no means of the latter alone, ii. 280. Their legislation was a consolidation of statutes, *n.* 756.

Twenty hostages, correspond to the curies of the first two tribes, i. 549.

Tymphæa, is again added to Epirus, iii. 459, *n.* 811.

Tyndaris, the inhabitants of the place are transplanted by the Carthaginians to Lilybæum, iii. 569. In its vicinity the Romans gain a naval victory in 489, 583. Is conquered by the Romans in 493, 595.

Tyrany, was scarcely the thing at which Appius Claudius seriously aimed, iii. 303.

Tyrrhenians, different from the Etruscans, i. 38. Tyrsenians or Tyrseno-Pelasgians, the Argives and those of Lemnos and Imbros, 39. Myrsilus' account of their migration, 39. Tyrrhenians on the Hellespont, and on mount Athos were in the time of Thucydides the only Pelasgians known at Athens, 42, foll. Tyrrhenians in Hesiod, over whom Latinus rules, are not Etruscans, 43. Pay homage to Alexander the Great at Babylon, iii. 169. By them Romans too are perhaps to be understood, *n.* 300. Their piracy first suppresst by the Rhodians, and then by the Romans, 423, *n.* 724.

Tyrrhenian Glosses (in Hesychius) are Pelasgic, i. *nn.* 13, 60. Auxiliaries

of the Athenians in Sicily ii. *n.* 705. Places from Antium as far as the frontier of Œnotria, i. 43, foll. Religious rites in Plato, Pelasgic ones of Samothrace, *n.* 74. Pirates, ii. 486.

UFENTINA tribus, founded in 431, its principal place is Privernum, iii. 176.

Umbria, subdued by the Gauls, iii. 172.

Umbrian language, akin to the Latin.—In writing Etruscan as well as Latin characters were used in Umbria, i. 145.

Umbrian tribes, join the Etruscans in 450 against Rome, iii. 370.

Umbrians, also Umbrici, i. 143. In what sense they are called the most ancient nation of Italy, *n.* 430. Their wide extent and subsequent confinement, 143, foll. Subject to the Gauls—their weakness when they came in contact with Rome, 144, foll. Their country divided into *plagæ* and *tribus*, 145. Umbrians and Pelasgians inhabited Tuscany before the Etruscans, 115. Are easily subdued by Fabius in the year 439, iii. 251. Their unexampled cowardice, 286; but do not become permanently subject, 286. Take a part in the battle near Sentinum, 381. Are once more tempted to a war with Rome, 427.

Uncial rate of interest, introduced by the twelve tables, ii. 340. Was abolisht after the Gallic time in order to draw money to Rome, 603. Lawfully restored in 393, iii. 54, foll. Different accounts concerning its origin in Livy and Tacitus, 54, foll. Was probably fixt even by the twelve tables, but legally abolisht, 54, foll. Different opinions respecting its meaning, 55, foll. Is in reality to be understood of the ten months' year, 59; consequently ten per cent in a common year, 60.

Unhealthy places, those which are so now, were so for the most part in antiquity also, i. *n.* 952.

Usucapio, was impossible against the Roman state, ii. 144.

Usury, in ancient times only practist by the patricians, a burthen of the plebeians, i. 574; at least by the clients in the name of the patricians, 575, ii. 605. Was for a time completely forbidden at Rome, iii. 68.

Usus, the use of a thing, of which another has the ownership, ii. 138. The possession is subjective, *n.* 283.

Usus fructus (*usus et fructus*), ii. 139.

Uti possidetis, its earlier formula, ii. 149.

Uxor liberorum quærendorum causa, ii. *n.* 880.

VACCIUS (probably not Vaccus) Vitruvius, general of the Fundanians and Privernatans, iii. 175. Made prisoner and put to death, 175.

Vadimo, a sulphureous lake between Falerii and Perusia, iii. 285. Livy places there a victory of Q. Fabius over the Etruscans, 284. The destructive battle of the Boians was fought here, 429.

Valeria, first priestess of *Fortuna muliebris*, as she is mixt up with the made-up story of Coriolanus, ii. 102, foll.

Valeria gens, well disposed towards the people, iii. 62, 65. Its history is sometimes disfigured by Valerius of Antium, 124.

Valerian law, which outlawed him who assumed kingly power, i. 530, foll. A second one which granted an appeal to the commonalty from the sentence of the consuls 531. In what sense it was enforced without a penalty, 532.

Valerian road, was a high road even before it was artistically constructed: its direction, iii. 266.

Valerii, during the first five years in the uninterrupted possession of the consulship—extraordinary honours of the house, i. 537. This justifies the inference that one of the places of the consulship was secured to their house: —their Sabine origin, 537, foll. The tables containing the early history of their house are unworthy of credit, ii. 5, *n.* 8. Political character of the house, 378, foll.

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ERRATA.

Page 76, line 27, for *C. Manlius* read *T. Manlius.*
,, 154, line 18, for *patriotic* read *patrician.*
Note 339, line 3, for *Sæbiuco* read *Subiaco.*
Page 346, line 7, omit the number (1320) and the note 585.

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